

# ASSEMBLY, No. 1896

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

Assemblyman **HERB CONAWAY, JR.**

District 7 (Burlington)

Assemblywoman **VERLINA REYNOLDS-JACKSON**

District 15 (Hunterdon and Mercer)

Assemblywoman **MICHELE MATSIKOUDIS**

District 21 (Middlesex, Morris, Somerset and Union)

**Co-Sponsored by:**

Assemblywomen **Speight and McCoy**

**SYNOPSIS**

Adopts Dentist and Dental Hygienist Compact.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 2/22/2024)

1 AN ACT adopting the Dentist and Dental Hygienist Compact and  
2 supplementing Title 45 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. The State of New Jersey enacts and enters into the Dentist and  
8 Dental Hygienist Compact with all other jurisdictions that legally join  
9 the compact in the form substantially as follows:

10

11 Section 1. Title and Purpose.

12 This statute shall be known and cited as the Dentist and Dental  
13 Hygienist Compact. The purposes of this compact are to facilitate the  
14 interstate practice of dentistry and dental hygiene and improve public  
15 access to dentistry and dental hygiene services by providing dentists  
16 and dental hygienists licensed in a participating state the ability to  
17 practice in participating states in which they are not licensed. The  
18 compact does this by establishing a pathway for dentists and dental  
19 hygienists licensed in a participating state to obtain a compact  
20 privilege that authorizes them to practice in another participating state  
21 in which they are not licensed. The compact enables participating  
22 states to protect the public health and safety with respect to the  
23 practice of such dentists and dental hygienists, through the state's  
24 authority to regulate the practice of dentistry and dental hygiene in the  
25 state. The compact:

26 a. Enables dentists and dental hygienists who qualify for a  
27 compact privilege to practice in other participating states without  
28 satisfying burdensome and duplicative requirements associated with  
29 securing a license to practice in those states;

30 b. Promotes mobility and addresses workforce shortages through  
31 each participating state's acceptance of a compact privilege to practice  
32 in that state;

33 c. Increases public access to qualified, licensed dentists and  
34 dental hygienists by creating a responsible, streamlined pathway for  
35 licensees to practice in participating states;

36 d. Enhances the ability of participating states to protect the  
37 public's health and safety;

38 e. Does not interfere with licensure requirements established by a  
39 participating state;

40 f. Facilitates the sharing of licensure and disciplinary information  
41 among participating states;

42 g. Requires dentists and dental hygienists who practice in a  
43 participating state pursuant to a compact privilege to practice within  
44 the scope of practice authorized in that state;

45 h. Extends the authority of a participating state to regulate the  
46 practice of dentistry and dental hygiene within its borders to dentists  
47 and dental hygienists who practice in the state through a compact  
48 privilege;

1 i. Promotes the cooperation of participating states in regulating  
2 the practice of dentistry and dental hygiene within those states; and

3 j. Facilitates the relocation of military members and their spouses  
4 who are licensed to practice dentistry or dental hygiene.

5  
6 Section 2. Definitions.

7 As used in this compact, unless context requires otherwise:

8 “Active military member” means any person with full-time duty  
9 status in the Armed Forces of the United States, including members of  
10 the National Guard and Reserve components.

11 “Adverse action” means disciplinary action or encumbrance  
12 imposed on a license or compact privilege by a state licensing  
13 authority.

14 “Alternative program” means a non-disciplinary monitoring or  
15 practice remediation process applicable to a dentist or dental hygienist  
16 approved by a state licensing authority of a participating state in which  
17 the dentist or dental hygienist is licensed. “Alternative program” shall  
18 include, but not be limited to, programs to which licensees with a  
19 substance use disorder are referred in lieu of adverse action.

20 “Clinical assessment” means an examination or process required  
21 for licensure as a dentist or dental hygienist, as applicable, which  
22 examination or process provides evidence of clinical competence in  
23 dentistry or dental hygiene, as applicable.

24 “Commissioner” means the individual appointed by a participating  
25 state to serve as the member of the commission for that participating  
26 state.

27 “Compact” means this Dentist and Dental Hygienist Compact.

28 “Compact privilege” means the authorization granted by a remote  
29 state to allow a licensee from a participating state to practice as a  
30 dentist or dental hygienist in a remote state.

31 “Continuing professional development” means a requirement, as a  
32 condition of license renewal, to provide evidence of successful  
33 participation in educational or professional activities relevant to  
34 practice or area of work.

35 “Criminal background check” means the submission of  
36 fingerprints or other biometric-based information for an applicant for  
37 licensure for the purpose of obtaining the applicant’s criminal history  
38 record information, as defined in 28 C.F.R. s.20.3(d), from the Federal  
39 Bureau of Investigation and the state’s criminal history record  
40 repository, as defined in 28 C.F.R. s.20.3(f).

41 “Data system” means the commission’s repository of information  
42 about licensees, including, but not limited to, examination, licensure,  
43 investigative, compact privilege, adverse action, and alternative  
44 program information.

45 “Dental hygienist” means an individual who is licensed by a state  
46 licensing authority to practice dental hygiene.

47 “Dentist” means an individual who is licensed by a state licensing  
48 authority to practice dentistry.

1       “Dentist and Dental Hygienist Compact Commission” or  
2 “commission” means the joint government agency established under  
3 the compact comprising each state that has enacted the compact and a  
4 national administrative body comprising a commissioner from each  
5 state that has enacted the compact.

6       “Encumbered license” means a license that a state licensing  
7 authority has limited in any way other than through an alternative  
8 program.

9       “Executive board” means the chair, vice chair, secretary, and  
10 treasurer of the commission, as well as any other commissioners as  
11 may be determined by commission rule or bylaw.

12       “Jurisprudence requirement” means the assessment of an  
13 individual’s knowledge of the laws and rules governing the practice of  
14 dentistry or dental hygiene, as applicable, in a state.

15       “License” means current authorization by a state, other than  
16 authorization pursuant to a compact privilege, or other privilege, for an  
17 individual to practice as a dentist or dental hygienist in that state.

18       “Licensee” means an individual who holds an unrestricted license  
19 from a participating state to practice as a dentist or dental hygienist in  
20 that state.

21       “Model compact” means the model for the Dentist and Dental  
22 Hygienist Compact on file with the Council of State Governments or  
23 other entity as designated by the commission.

24       “Participating state” means a state that has enacted the compact  
25 and been admitted to the commission in accordance with the  
26 provisions of the compact and commission rules.

27       “Qualifying license” means a license that is not an encumbered  
28 license issued by a participating state to practice dentistry or dental  
29 hygiene.

30       “Remote state” means a participating state where a licensee who is  
31 not licensed as a dentist or dental hygienist is exercising or seeking to  
32 exercise the compact privilege.

33       “Rule” means a regulation promulgated by an entity that has the  
34 force of law.

35       “Scope of practice” means the procedures, actions, and processes a  
36 dentist or dental hygienist licensed in a state is permitted to undertake  
37 in that state and the circumstances under which the licensee is  
38 permitted to undertake those procedures, actions, and processes. Such  
39 procedures, actions, and processes and the circumstances under which  
40 they may be established through means, including, but not limited to,  
41 statutes, regulations, case law, and other processes available to the  
42 state licensing authority or other government agency.

43       “Significant investigative information” means information,  
44 records, and documents received or generated by a state licensing  
45 authority pursuant to an investigation for which a determination has  
46 been made that there is probable cause to believe that the licensee has  
47 violated a statute or regulation that is considered more than a minor

1 infraction for which the state licensing authority could pursue an  
2 adverse action against the licensee.

3 “State” means a state, commonwealth, district, or territory of the  
4 United States that regulates the practices of dentistry and dental  
5 hygiene.

6 “State licensing authority” means an agency or other entity of a  
7 state that is responsible for the licensing and regulation of dentists or  
8 dental hygienists.

9

10 Section 3. State Participation in the Compact.

11 a. In order to join the compact and thereafter continue as a  
12 participating state, a state shall:

13 (1) Enact a compact that is not materially different from the model  
14 compact, as determined in accordance with commission rules;

15 (2) Participate fully in the commission’s data system;

16 (3) Have a mechanism in place for receiving and investigating  
17 complaints about its licensees and license applicants;

18 (4) Notify the commission, in compliance with the terms of the  
19 compact and commission rules, of any adverse action or the  
20 availability of significant investigative information regarding a  
21 licensee or license applicant;

22 (5) Fully implement a criminal background check requirement,  
23 within a time frame established by commission rule, by receiving the  
24 results of a qualifying criminal background check;

25 (6) Comply with commission rules applicable to a participating  
26 state;

27 (7) Accept the national board examinations of the Joint  
28 Commission on National Dental Examinations or another examination  
29 accepted by commission rule as a licensure examination;

30 (8) Accept for licensure that applicants for a dentist license  
31 graduate from a predoctoral dental education program accredited by  
32 the Commission on Dental Accreditation, or another accrediting  
33 agency recognized by the United States Department of Education for  
34 the accreditation of dentistry and dental hygiene education programs,  
35 leading to the doctor of dental surgery or doctor of dental medicine  
36 degree;

37 (9) Accept for licensure that applicants for a dental hygienist  
38 license graduate from a dental hygiene program accredited by the  
39 Commission on Dental Accreditation, or another accrediting agency  
40 recognized by the United States Department of Education for the  
41 accreditation of dentistry and dental hygiene education programs;

42 (10) Require for licensure that applicants successfully complete a  
43 clinical assessment;

44 (11) Have continuing professional development requirements as a  
45 condition for license renewal; and

46 (12) Pay a participation fee to the commission as established by  
47 commission rule.

1           b. Providing alternative pathways for an individual to obtain an  
2 unrestricted license shall not disqualify a state from participating in the  
3 compact.

4           c. When conducting a criminal background check, the state  
5 licensing authority shall:

6           (1) Consider that information in making a licensure decision;

7           (2) Maintain documentation of the criminal background check and  
8 background check information to the extent allowed by state and  
9 federal law; and

10          (3) Report to the commission whether a state has completed the  
11 criminal background check and whether the individual was granted or  
12 denied a license.

13          d. A licensee of a participating state who has a qualifying license  
14 in that state and does not hold an encumbered license in any other  
15 participating state shall be issued a compact privilege in a remote state  
16 in accordance with the terms of the compact and commission rules. If  
17 a remote state has a jurisprudence requirement, a compact privilege  
18 shall not be issued to the licensee unless the licensee has satisfied the  
19 jurisprudence requirement.

20

21 Section 4. Compact Privilege.

22          a. To obtain and exercise the compact privilege under the terms  
23 and provisions of the compact, a licensee shall:

24          (1) Have a qualifying license as a dentist or dental hygienist in a  
25 participating state;

26          (2) Be eligible for a compact privilege in any remote state in  
27 accordance with subsections d., g., and h. of this section;

28          (3) Submit to an application process whenever the licensee is  
29 seeking a compact privilege;

30          (4) Pay any applicable commission and remote state fees for a  
31 compact privilege in the remote state;

32          (5) Meet any jurisprudence requirement established by a remote  
33 state in which the licensee is seeking a compact privilege;

34          (6) Have passed a national board examination of the Joint  
35 Commission on National Dental Examinations or another examination  
36 accepted by commission rule;

37          (7) For a dentist, have graduated from a predoctoral dental  
38 education program accredited by the Commission on Dental  
39 Accreditation, or another accrediting agency recognized by the United  
40 States Department of Education for the accreditation of dentistry and  
41 dental hygiene education programs, leading to the doctor of dental  
42 surgery or doctor of dental medicine degree;

43          (8) For a dental hygienist, have graduated from a dental hygiene  
44 education program accredited by the Commission on Dental  
45 Accreditation or another accrediting agency recognized by the United  
46 States Department of Education for the accreditation of dentistry and  
47 dental hygiene education programs;

- 1 (9) Have successfully completed a clinical assessment for  
2 licensure;
- 3 (10) Report to the commission any adverse action taken by any  
4 nonparticipating state when applying for a compact privilege and,  
5 otherwise, within 30 days from the date the adverse action is taken;
- 6 (11) Report to the commission when applying for a compact  
7 privilege the address of the licensee's primary residence, and thereafter  
8 immediately report to the commission any change in the address of the  
9 licensee's primary residence; and
- 10 (12) Consent to accept service of process by mail at the licensee's  
11 primary residence on record with the commission with respect to any  
12 action brought against the licensee by the commission or a  
13 participating state, and consent to accept service of a subpoena by mail  
14 at the licensee's primary residence on record with the commission with  
15 respect to any action brought or investigation conducted by the  
16 commission or a participating state.
- 17 b. A licensee shall comply with the requirements set forth in  
18 subsection a. of this section to maintain the compact privilege in the  
19 remote state. If those requirements are met, the compact privilege will  
20 continue as long as the licensee maintains a qualifying license in the  
21 state through which the licensee applied for the compact privilege and  
22 pays any applicable compact privilege renewal fees.
- 23 c. A licensee providing dentistry or dental hygiene in a remote  
24 state under a compact privilege shall function within the scope of  
25 practice authorized by the remote state for a dentist or dental hygienist  
26 licensed in that state.
- 27 d. A licensee providing dentistry or dental hygiene pursuant to a  
28 compact privilege in a remote state shall be subject to that state's  
29 regulatory authority. A remote state may, in accordance with due  
30 process and that state's laws, by adverse action revoke or remove a  
31 licensee's compact privilege in the remote state for a specific period of  
32 time, impose fines, or take any other necessary actions to protect the  
33 health and safety of its citizens. If a remote state imposes an adverse  
34 action against a compact privilege that limits the compact privilege,  
35 that adverse action shall apply to all compact privileges in all remote  
36 states. A licensee whose compact privilege in a remote state is  
37 removed for a specified period of time shall not be eligible for a  
38 compact privilege in any other remote state until the specific time for  
39 removal of the compact privilege has passed and all encumbrance  
40 requirements are satisfied.
- 41 e. If a license in a participating state is an encumbered license, the  
42 licensee shall lose the compact privilege in a remote state and shall not  
43 be eligible for a compact privilege in any remote state until the license  
44 is no longer encumbered.
- 45 f. Once an encumbered license in a participating state is restored  
46 to good standing, the licensee shall meet the requirements of  
47 subsection a. of this section to obtain a compact privilege in a remote  
48 state.

1 g. If a licensee's compact privilege in a remote state is removed  
2 by the remote state, the individual shall lose or be ineligible for the  
3 compact privilege in any remote state until:

4 (1) The specified period of time for which the compact privilege  
5 was removed has ended; and

6 (2) All conditions for removal of the compact privilege have been  
7 satisfied.

8 h. Once the requirements of subsection g. of this section have  
9 been met, the licensee shall be required to meet the requirements of  
10 subsection a. of this section to obtain a compact privilege in a remote  
11 state.

12  
13 Section 5. Active Military Members and Their Spouses.

14 Active military members and the spouses of active military  
15 members shall not be required to pay to the commission for a compact  
16 privilege the fee otherwise charged by the commission. If a remote  
17 state chooses to charge a fee for a compact privilege, it may choose to  
18 charge a reduced fee or no fee to active military members and spouses  
19 of active military members for a compact privilege.

20  
21 Section 6. Adverse Actions.

22 a. A participating state in which a licensee is licensed shall have  
23 exclusive authority to impose adverse action against the qualifying  
24 license issued by that participating state.

25 b. A participating state may take adverse action based on  
26 significant investigative information of a remote state, provided the  
27 participating state follows its own procedures for imposing adverse  
28 action.

29 c. Nothing in this compact shall override a participating state's  
30 decision that participation in an alternative program may be used in  
31 lieu of adverse action and that such participation shall remain  
32 nonpublic if required by the participating state's laws. Participating  
33 states shall require licensees who enter any alternative program in lieu  
34 of discipline to agree not to practice pursuant to a compact privilege in  
35 any other participating state during the term of the alternative program  
36 without prior authorization from such other participating state.

37 d. Any participating state in which a licensee is applying to  
38 practice or is practicing pursuant to a compact privilege may  
39 investigate actual or alleged violations of the statutes and regulations  
40 authorizing the practice of dentistry or dental hygiene in any other  
41 participating state in which the dentist or dental hygienist holds a  
42 license or compact privilege.

43 e. A remote state shall have the authority to:

44 (1) Take adverse actions as set forth in subsection d. of section 4  
45 of the compact against a licensee's compact privilege in the state;

46 (2) In furtherance of its rights and responsibilities under the  
47 compact and the commission's rules, issue subpoenas for both  
48 hearings and investigations that require the attendance and testimony



1 of witnesses and the production of evidence. Subpoenas issued by a  
2 state licensing authority in a participating state for the attendance and  
3 testimony of witnesses, or the production of evidence from another  
4 participating state, shall be enforced in the latter state by any court of  
5 competent jurisdiction according to the practice and procedure of that  
6 court applicable to subpoenas issued in proceedings pending before it.  
7 The issuing authority shall pay any witness fees, travel expenses,  
8 mileage, and other fees required by the service statutes of the state  
9 where the witnesses or evidence are located; and

10 (3) If otherwise permitted by state law, recover from the licensee  
11 the costs of investigation and disposition of cases resulting from any  
12 adverse action taken against that licensee.

13 f. Joint Investigations.

14 (1) In addition to the authority granted to a participating state by  
15 its dentist or dental hygienist licensure act or other applicable state  
16 law, a participating state may jointly investigate licensees with other  
17 participating states.

18 (2) Participating states shall share any significant investigative  
19 information, litigation, or compliance materials in furtherance of any  
20 joint or individual investigation initiated under the compact.

21 g. Authority to Continue Investigation.

22 (1) After a licensee's compact privilege in a remote state is  
23 terminated, the remote state may continue an investigation of the  
24 licensee that began when the licensee had a compact privilege in that  
25 remote state.

26 (2) If the investigation yields what would be significant  
27 investigative information had the licensee continued to have a compact  
28 privilege in that remote state, the remote state shall report the presence  
29 of such information to the data system as required by paragraph (6) of  
30 subsection b. of section 8 of the compact as if it was significant  
31 investigative information.

32

33 Section 7. Establishment and Operation of the Commission.

34 a. The compact participating states hereby create and establish a  
35 joint government agency, the membership of which shall comprise all  
36 participating states that have enacted the compact. The commission  
37 shall be an instrumentality of the participating states acting jointly and  
38 not an instrumentality of any one state. The commission shall come  
39 into existence on or after the effective date of the compact as set forth  
40 in subsection a. of section 11 of this compact.

41 b. Participation, Voting, and Meetings.

42 (1) Each participating state shall have and be limited to one  
43 commissioner selected by the participating state's state licensing  
44 authority or, if the state has more than one state licensing authority,  
45 selected collectively by the state licensing authorities.

46 (2) The commissioner shall be a member or designee of such  
47 licensing authority or authorities, as applicable.

- 1 (3) The commission may by rule or bylaw establish a term of  
2 office for commissioners and may by rule or bylaw establish term  
3 limits.
- 4 (4) The commission may recommend to a state licensing authority  
5 or authorities, as applicable, removal or suspension of an individual as  
6 the state's commissioner.
- 7 (5) A participating state's state licensing authority or authorities,  
8 as applicable, shall fill any vacancy of its commissioner on the  
9 commission within 60 days of the vacancy.
- 10 (6) Each commissioner shall be entitled to one vote on all matters  
11 that are voted upon by the commission.
- 12 (7) The commission shall meet at least once during each calendar  
13 year. Additional meetings may be held as set forth in the bylaws. The  
14 commission may meet by telecommunication, video conference, or  
15 other similar electronic means.
- 16 c. The commission shall have the following powers:
- 17 (1) Establishing the fiscal year of the commission;
- 18 (2) Establishing a code of conduct and conflict of interest policies;
- 19 (3) Adopting rules and bylaws;
- 20 (4) Maintaining the commission's financial records in accordance  
21 with the bylaws;
- 22 (5) Meeting and taking such actions as are consistent with the  
23 provisions of the compact, the commission's rules, and the bylaws;
- 24 (6) Initiating and concluding legal proceedings or actions in the  
25 name of the commission, provided that the standing of a state licensing  
26 authority to sue or be sued under applicable law shall not be affected;
- 27 (7) Maintaining and certifying records and information provided to  
28 a participating state as the authenticated business records of the  
29 commission, and designating a person to do so on the commission's  
30 behalf;
- 31 (8) Purchasing and maintaining insurance and bonds;
- 32 (9) Borrowing, accepting, or contracting for services of personnel,  
33 including, but not limited to, employees of a participating state;
- 34 (10) Conducting an annual financial review;
- 35 (11) Hiring employees, electing or appointing officers, fixing  
36 compensation, defining duties, granting such individuals appropriate  
37 authority to carry out the purposes of the compact, and establishing the  
38 commission's personnel policies and programs relating to conflicts of  
39 interest, qualifications of personnel, and other related personnel  
40 matters;
- 41 (12) As set forth in the commission rules, charging a fee to a  
42 licensee for the grant of a compact privilege in a remote state and  
43 thereafter, as may be established by commission rule, charging the  
44 licensee a compact privilege renewal fee for each renewal period in  
45 which that licensee exercises or intends to exercise the compact  
46 privilege in that remote state. Nothing herein shall be construed to  
47 prevent a remote state from charging a licensee a fee for a compact  
48 privilege or renewals of a compact privilege, or a fee for the

- 1 jurisprudence requirement if the remote state imposes such a  
2 requirement for the grant of a compact privilege;
- 3 (13) Accepting any and all appropriate gifts, donations, grants of  
4 money, other sources of revenue, equipment, supplies, materials, and  
5 services, and receiving, utilizing, and disposing of the same, provided  
6 that at all times the commission shall avoid any appearance of  
7 impropriety or conflict of interest;
- 8 (14) Leasing, purchasing, retaining, owning, holding, improving,  
9 or using any property, real, personal, or mixed, or any undivided  
10 interest therein;
- 11 (15) Selling, conveying, mortgaging, pledging, leasing,  
12 exchanging, abandoning, or otherwise disposing of any property, real,  
13 personal, or mixed;
- 14 (16) Establishing a budget or making expenditures;
- 15 (17) Borrowing money;
- 16 (18) Appointing committees, including standing committees,  
17 which may be composed of members, state regulators, state legislators  
18 or their representatives, and consumer representatives, and such other  
19 interested persons as may be designated in this compact and the  
20 bylaws;
- 21 (19) Providing and receiving information from, and cooperating  
22 with, law enforcement agencies;
- 23 (20) Electing a chair, vice chair, secretary, and treasurer, and such  
24 other officers of the commission as provided in the commission's  
25 bylaws;
- 26 (21) Establishing and electing an executive board;
- 27 (22) Adopting and providing to the participating states an annual  
28 report;
- 29 (23) Determining whether a state's enacted compact is materially  
30 different from the model compact language such that the state would  
31 not qualify for participation in the compact; and
- 32 (24) Performing such other functions as may be necessary or  
33 appropriate to achieve the purposes of this compact.
- 34 d. Meetings of the Commission.
- 35 (1) All meetings of the commission that are not closed pursuant to  
36 this subsection shall be open to the public. Notice of public meetings  
37 shall be posted on the commission's Internet website at least 30 days  
38 prior to the public meeting.
- 39 (2) Notwithstanding the provisions of paragraph (1) of this  
40 subsection, the commission may convene an emergency public  
41 meeting by providing at least 24 hours' prior notice on the  
42 commission's Internet website, and any other means as provided in the  
43 commission's rules, for any of the reasons it may dispense with notice  
44 of proposed rulemaking under subsection 1. of section 9 of this  
45 compact. The commission's legal counsel shall certify that one of the  
46 reasons justifying an emergency public meeting has been met.
- 47 (3) Notice of all commission meetings shall provide the time, date,  
48 and location of the meeting, and if the meeting is to be held or

- 1 accessible via telecommunication, video conference, or other  
2 electronic means, the notice shall include the mechanism for access to  
3 the meeting through such means.
- 4 (4) The commission may convene in a closed, nonpublic meeting  
5 for the commission to receive legal advice or to discuss any of the  
6 following:
- 7 (a) Noncompliance of a participating state with its obligations  
8 under the compact;
- 9 (b) The employment, compensation, discipline, or other matters,  
10 practices, or procedures related to specific employees or other matters  
11 related to the commission's internal personnel practices and  
12 procedures;
- 13 (c) Current or threatened discipline of a licensee or compact  
14 privilege holder by the commission or by a participating state's  
15 licensing authority;
- 16 (d) Current, threatened, or reasonably anticipated litigation;
- 17 (e) Negotiation of contracts for the purchase, lease, or sale of  
18 goods, services, or real estate;
- 19 (f) Accusing any person of a crime or formally censuring any  
20 person;
- 21 (g) Trade secrets or commercial or financial information that is  
22 privileged or confidential;
- 23 (h) Information of a personal nature where disclosure would  
24 constitute a clearly unwarranted invasion of personal privacy;
- 25 (i) Investigative records compiled for law enforcement purposes;
- 26 (j) Information related to any investigative reports prepared by or  
27 on behalf of or for use of the commission or other committee charged  
28 with responsibility of investigation or determination of compliance  
29 issues pursuant to the compact;
- 30 (k) Legal advice;
- 31 (l) Matters specifically exempted from disclosure to the public by  
32 federal or participating state law; and
- 33 (m) Other matters as promulgated by the commission by rule.
- 34 (5) If a meeting, or portion of a meeting, is closed, the presiding  
35 officer shall state that the meeting will be closed and reference each  
36 relevant exempting provision, and such reference shall be recorded in  
37 the minutes.
- 38 (6) The commission shall keep minutes that fully and clearly  
39 describe all matters discussed in a meeting and shall provide a full and  
40 accurate summary of actions taken, and the reasons therefor, including  
41 a description of the views expressed. All documents considered in  
42 connection with an action shall be identified in such minutes. All  
43 minutes and documents of a closed meeting shall remain under seal,  
44 subject to release only by a majority vote of the commission or order  
45 of a court of competent jurisdiction.
- 46 e. Financing of the Commission.

1 (1) The commission shall pay or provide for the payment of the  
2 reasonable expenses of its establishment, organization, and ongoing  
3 activities.

4 (2) The commission may accept any and all appropriate sources of  
5 revenue, donations, and grants of money, equipment, supplies,  
6 materials, and services.

7 (3) The commission may levy on and collect an annual assessment  
8 from each participating state and impose fees on licensees of  
9 participating states when a compact privilege is granted to cover the  
10 cost of the operations and activities of the commission and its staff,  
11 which assessment and fees shall be in a total amount sufficient to  
12 cover its annual budget as approved each fiscal year for which  
13 sufficient revenue is not provided by other sources. The aggregate  
14 annual assessment amount for participating states shall be allocated  
15 based upon a formula that the commission shall promulgate by rule.

16 (4) The commission shall not incur obligations of any kind prior to  
17 securing the funds adequate to meet the same, nor shall the  
18 commission pledge the credit of any participating state, except by and  
19 with the authority of the participating state.

20 (5) The commission shall keep accurate accounts of all receipts  
21 and disbursements. The receipts and disbursements of the commission  
22 shall be subject to the financial review and accounting procedures  
23 established under the commission's bylaws. All receipts and  
24 disbursements of funds handled by the commission shall be subject to  
25 an annual financial review by a certified or licensed public accountant,  
26 and the report of the financial review shall be included in and become  
27 part of the annual report of the commission.

28 f. The Executive Board.

29 (1) The executive board shall have the power to act on behalf of  
30 the commission according to the terms of the compact. The powers,  
31 duties, and responsibilities of the executive board shall include:

32 (a) Overseeing the day-to-day activities of the administration of the  
33 compact, including compliance with the provisions of the compact, the  
34 commission's rules, and bylaws;

35 (b) Recommending to the commission changes to the rules or  
36 bylaws, changes to this compact legislation, fees charged to the  
37 compact participating states, fees charged to licensees, and other fees;

38 (c) Ensuring compact administration services are appropriately  
39 provided, including by contract;

40 (d) Preparing and recommending the budget;

41 (e) Maintaining financial records on behalf of the commission;

42 (f) Monitoring compact compliance of participating states and  
43 providing compliance reports to the commission;

44 (g) Establishing additional committees as necessary;

45 (h) Exercising the powers and duties of the commission during the  
46 interim between commission meetings, except for adopting or  
47 amending rules, adopting or amending bylaws, and exercising any

1 other powers and duties expressly reserved to the commission by rule  
2 or bylaw; and

3 (i) Other duties as provided in the rules or bylaws of the  
4 commission.

5 (2) The executive board shall be composed of up to seven  
6 members:

7 (a) The chair, vice chair, secretary, and treasurer of the  
8 commission, and any other members of the commission who serve on  
9 the executive board shall be voting members of the executive board;  
10 and

11 (b) Other than the chair, vice chair, secretary, and treasurer of the  
12 commission, the commission may elect up to three voting members to  
13 the executive board from the current membership of the commission.

14 (3) The commission may remove any member of the executive  
15 board as provided in the commission's bylaws.

16 (4) The executive board shall meet at least annually.

17 (a) An executive board meeting at which the executive board takes  
18 or intends to take formal action on a matter shall be open to the public,  
19 except that the executive board may meet in a closed, nonpublic  
20 session of a public meeting when dealing with any of the matters  
21 covered under paragraph (4) of subsection d. of this section.

22 (b) The executive board shall give five business days' notice of its  
23 public meetings, posted on its Internet website and as it may otherwise  
24 determine to provide notice to persons with an interest in the public  
25 matters the executive board intends to address at those meetings.

26 (5) The executive board may hold an emergency meeting when  
27 acting for the commission to do any of the following:

28 (a) Meet an imminent threat to public health, safety, or welfare;

29 (b) Prevent a loss of commission or participating state funds; or

30 (c) Protect public health and safety.

31 g. Qualified Immunity, Defense, and Indemnification.

32 (1) The members, officers, executive director, employees, and  
33 representatives of the commission shall be immune from suit and  
34 liability, both personally and in their official capacity, for any claim  
35 for damage to or loss of property or personal injury or other civil  
36 liability caused by or arising out of any actual or alleged act, error, or  
37 omission that occurred, or that the person against whom the claim is  
38 made had a reasonable basis for believing occurred, within the scope  
39 of commission employment, duties, or responsibilities; provided that  
40 nothing in this paragraph shall be construed to protect any such person  
41 from suit or liability for any damage, loss, injury, or liability caused by  
42 the intentional, willful, or wanton misconduct of that person. The  
43 procurement of insurance of any type by the commission shall not in  
44 any way compromise or limit the immunity granted hereunder.

45 (2) The commission shall defend any member, officer, executive  
46 director, employee, and representative of the commission in any civil  
47 action seeking to impose liability arising out of any actual or alleged  
48 act, error, or omission that occurred within the scope of commission

1 employment, duties, or responsibilities, or as determined by the  
2 commission that the person against whom the claim is made had a  
3 reasonable basis for believing occurred within the scope of  
4 commission employment, duties, or responsibilities; provided that  
5 nothing in this paragraph shall be construed to prohibit that person  
6 from retaining counsel at that person's own expense; and provided  
7 further that the actual or alleged act, error, or omission did not result  
8 from that person's intentional, willful, or wanton misconduct.

9 (3) Notwithstanding the provisions of paragraph (1) of this  
10 subsection, should any member, officer, executive director, employee,  
11 or representative of the commission be held liable for the amount of  
12 any settlement or judgment arising out of any actual or alleged act,  
13 error, or omission that occurred within the scope of that individual's  
14 employment, duties, or responsibilities for the commission, or that the  
15 person to whom the individual is liable had a reasonable basis for  
16 believing occurred within the scope of the individual's employment,  
17 duties, or responsibilities for the commission, the commission shall  
18 indemnify and hold harmless such individual, provided that the actual  
19 or alleged act, error, or omission did not result from the intentional,  
20 willful, or wanton misconduct of the individual.

21 (4) Nothing in this compact shall be construed as a limitation on  
22 the liability of any licensee for professional malpractice or misconduct,  
23 which shall be governed solely by any other applicable state laws.

24 (5) Nothing in this compact shall be interpreted to waive or  
25 otherwise abrogate a participating state's state action immunity or state  
26 action affirmative defense with respect to antitrust claims under the  
27 Sherman Act, the Clayton Act, or any other state or federal antitrust or  
28 anticompetitive law or regulation.

29 (6) Nothing in this compact shall be construed to be a waiver of  
30 sovereign immunity by the participating states or by the commission.

31

#### 32 Section 8. Data System.

33 a. The commission shall provide for the development,  
34 maintenance, operation, and utilization of a coordinated database and  
35 reporting system containing licensure, adverse action, and the presence  
36 of significant investigative information on all licensees and applicants  
37 for a license in participating states.

38 b. Notwithstanding any other provision of state law to the  
39 contrary, a participating state shall submit a uniform data set to the  
40 data system on all individuals to whom this compact is applicable as  
41 required by the rules of the commission, including all of the following:

42 (1) Identifying information;

43 (2) Licensure data;

44 (3) Adverse actions against a licensee, license applicant, or  
45 compact privilege, and information related thereto;

46 (4) Nonconfidential information related to alternative program  
47 participation, the beginning and ending dates of such participation, and  
48 other information related to such participation ;

1 (5) Any denial of an application for licensure and the reason for  
2 such denial, excluding the reporting of any criminal history record  
3 information where prohibited by law;

4 (6) The presence of significant investigative information; and

5 (7) Other information that may facilitate the administration of this  
6 compact or the protection of the public, as determined by the rules of  
7 the commission.

8 c. The records and information provided to a participating state  
9 pursuant to this compact or through the data system, when certified by  
10 the commission or an agent thereof, shall constitute the authenticated  
11 business records of the commission, and shall be entitled to any  
12 associated hearsay exception in any relevant judicial, quasi-judicial, or  
13 administrative proceedings in a participating state.

14 d. Significant investigative information pertaining to a licensee in  
15 any participating state shall only be available to other participating  
16 states.

17 e. It shall be the responsibility of the participating states to  
18 monitor the database to determine whether adverse action has been  
19 taken against a licensee or license applicant. Adverse action  
20 information pertaining to a licensee or license applicant in any  
21 participating state shall be available to any other participating state.

22 f. Participating states contributing information to the data system  
23 may designate information that may not be shared with the public  
24 without the express permission of the contributing state.

25 g. Any information submitted to the data system that is  
26 subsequently expunged pursuant to federal law or the laws of the  
27 participating state contributing the information shall be removed from  
28 the data system.

29  
30 Section 9. Rulemaking.

31 a. The commission shall promulgate reasonable rules in order to  
32 effectively and efficiently implement and administer the purposes and  
33 provisions of the compact. A commission rule shall be invalid and  
34 have no force or effect only if a court of competent jurisdiction holds  
35 that the rule is invalid because the commission exercised its  
36 rulemaking authority in a manner that is beyond the scope and  
37 purposes of the compact or the powers granted hereunder, or based  
38 upon another applicable standard of review.

39 b. The rules of the commission shall have the force of law in each  
40 participating state, provided, however, that where the rules of the  
41 commission conflict with the laws of the participating state that  
42 establish the participating state's scope of practice as held by a court of  
43 competent jurisdiction, the rules of the commission shall be ineffective  
44 in that state to the extent of the conflict.

45 c. The commission shall exercise its rulemaking powers pursuant  
46 to the criteria set forth in this section and the rules adopted thereunder.  
47 Rules shall become binding as of the date specified by the commission  
48 for each rule.



1 d. If a majority of the legislatures of the participating states  
2 rejects a commission rule or portion of a commission rule, by  
3 enactment of a statute or resolution in the same manner used to adopt  
4 the compact, within four years of the date of adoption of the rule, then  
5 such rule shall have no further force and effect in any participating  
6 state or to any state applying to participate in the compact.

7 e. Rules shall be adopted at a regular or special meeting of the  
8 commission.

9 f. Prior to adoption of a proposed rule, the commission shall hold  
10 a public hearing and allow persons to provide oral and written  
11 comments, data, facts, opinions, and arguments.

12 g. Prior to adoption of a proposed rule by the commission, and at  
13 least 30 days in advance of the meeting at which the commission will  
14 hold a public hearing on the proposed rule, the commission shall  
15 provide a notice of proposed rulemaking as follows:

16 (1) On the Internet website of the commission or other publicly  
17 accessible platform;

18 (2) To persons who have requested notice of the commission's  
19 notices of proposed rulemaking; and

20 (3) In such other ways as the commission may by rule specify.

21 h. The notice of proposed rulemaking shall include all of the  
22 following:

23 (1) The time, date, and location of the public hearing at which the  
24 commission will hear public comments on the proposed rule and, if  
25 different, the time, date, and location of the meeting where the  
26 commission will consider and vote on the proposed rule;

27 (2) If the hearing is held via telecommunication, video conference,  
28 or other electronic means, the commission shall include the  
29 mechanism for access to the hearing in the notice of proposed  
30 rulemaking;

31 (3) The text of the proposed rule and the reason for the proposed  
32 rule;

33 (4) A request for comments on the proposed rule from any  
34 interested person; and

35 (5) The manner in which interested persons may submit written  
36 comments.

37 i. All hearings shall be recorded. A copy of the recording and all  
38 written comments and documents received by the commission in  
39 response to the proposed rule shall be available to the public.

40 j. Nothing in this section shall be construed as requiring a  
41 separate hearing on each commission rule. Rules may be grouped for  
42 convenience of the commission at hearings required by this section.

43 k. The commission shall, by a majority vote of all commissioners,  
44 take final action on the proposed rule based on the rulemaking record.

45 (1) The commission may adopt changes to the proposed rule,  
46 provided the changes do not enlarge the original purposes of the  
47 proposed rule.

1 (2) The commission shall provide an explanation of the reasons for  
2 substantive changes made to the proposed rule as well as reasons for  
3 substantive changes not made that were recommended by commenters.

4 (3) The commission shall determine a reasonable effective date for  
5 the rule. Except for an emergency as provided in subsection l. of this  
6 section, the effective date of the rule shall be no sooner than 30 days  
7 after the commission issues notice that it adopted or amended the rule.

8 l. Upon determination that an emergency exists, the commission  
9 may consider and adopt an emergency rule with 24 hours' notice, with  
10 opportunity to comment, provided that the usual rulemaking  
11 procedures provided in the compact and in this section shall be  
12 retroactively applied to the rule as soon as reasonably possible, but in  
13 no event later than 90 days after the effective date of the rule. For the  
14 purposes of this subsection, an emergency rule is one that must be  
15 adopted immediately in order to do any of the following:

- 16 (1) Meet an imminent threat to public health, safety, or welfare;  
17 (2) Prevent a loss of commission or participating state funds;  
18 (3) Meet a deadline for the promulgation of a rule that is  
19 established by federal law or rule; or  
20 (4) Protect public health and safety.

21 m. The commission or an authorized committee of the commission  
22 may direct revisions to a previously adopted rule for purposes of  
23 correcting typographical errors, errors in format, errors in consistency,  
24 or grammatical errors. Public notice of any revisions shall be posted  
25 on the Internet website of the commission. The revision shall be  
26 subject to challenge by any person for a period of 30 days after  
27 posting. The revision may be challenged only on grounds that the  
28 revision results in a material change to a rule. A challenge shall be  
29 made in writing and delivered to the commission prior to the end of  
30 the notice period. If no challenge is made, the revision will take effect  
31 without further action. If the revision is challenged, the revision may  
32 not take effect without the approval of the commission.

33 n. No participating state's rulemaking requirements shall apply  
34 under this compact.

35

36 Section 10. Oversight, Dispute Resolution, and Enforcement.

37 a. Oversight.

38 (1) The executive and judicial branches of state government in  
39 each participating state shall enforce this compact and take all actions  
40 necessary and appropriate to implement the compact.

41 (2) Venue is proper and judicial proceedings by or against the  
42 commission shall be brought solely and exclusively in a court of  
43 competent jurisdiction where the principal office of the commission is  
44 located. The commission may waive venue and jurisdictional defenses  
45 to the extent it adopts or consents to participate in alternative dispute  
46 resolution proceedings. Nothing herein shall affect or limit the  
47 selection or propriety of venue in any action against a licensee for  
48 professional malpractice, misconduct, or any such similar matter.

1 (3) The commission shall be entitled to receive service of process  
2 in any proceeding regarding the enforcement or interpretation of the  
3 compact or commission rule and shall have standing to intervene in  
4 such a proceeding for all purposes. Failure to provide the commission  
5 service of process shall render a judgment or order void as to the  
6 commission, this compact, or promulgated rules.

7 b. Default, Technical Assistance, and Termination.

8 (1) If the commission determines that a participating state has  
9 defaulted in the performance of its obligations or responsibilities under  
10 this compact or the promulgated rules, the commission shall provide  
11 written notice to the defaulting state. The notice of default shall  
12 describe the default, the proposed means of curing the default, and any  
13 other action that the commission may take, and shall offer training and  
14 specific technical assistance regarding the default.

15 (2) The commission shall provide a copy of the notice of default to  
16 the other participating states.

17 c. If a state in default fails to cure the default, the defaulting state  
18 may be terminated from the compact upon an affirmative vote of a  
19 majority of the commissioners, and all rights, privileges, and benefits  
20 conferred on that state by this compact may be terminated on the  
21 effective date of termination. A cure of the default shall not relieve the  
22 offending state of obligations or liabilities incurred during the period  
23 of default.

24 d. Termination of participation in the compact shall be imposed  
25 only after all other means of securing compliance have been  
26 exhausted. Notice of intent to suspend or terminate shall be given by  
27 the commission to the defaulting state's governor, the majority and  
28 minority leaders of the defaulting state's legislature, the defaulting  
29 state's state licensing authority or authorities, as applicable, and each  
30 of the participating states' state licensing authority or authorities, as  
31 applicable.

32 e. A state that has been terminated from participation in the  
33 compact shall be responsible for all assessments, obligations, and  
34 liabilities incurred through the effective date of termination, including  
35 obligations that extend beyond the effective date of termination.

36 f. Upon the termination of a state's participation in this compact,  
37 that state shall immediately provide notice to all licensees of the state,  
38 including licensees of other participating states issued a compact  
39 privilege to practice within that state, of such termination. The  
40 terminated state shall continue to recognize all compact privileges then  
41 in effect in that state for a minimum of 180 days after the date of the  
42 notice of termination.

43 g. The commission shall not bear any costs related to a state that  
44 is found to be in default or that has been terminated from the compact  
45 unless agreed upon in writing between the commission and the  
46 defaulting state.

47 h. The defaulting state may appeal the action of the commission  
48 by petitioning the United States District Court for the District of

1 Columbia or the federal district where the commission has its principal  
2 offices. The prevailing party shall be awarded all costs of such  
3 litigation, including reasonable attorney fees.

4 i. Dispute Resolution.

5 (1) Upon request by a participating state, the commission shall  
6 attempt to resolve disputes related to the compact that arise among  
7 participating states and between participating states and  
8 nonparticipating states.

9 (2) The commission shall promulgate a rule providing for both  
10 mediation and binding dispute resolution for disputes, as appropriate.

11 j. Enforcement.

12 (1) The commission, in the reasonable exercise of its discretion,  
13 shall enforce the provisions of this compact and the commission's  
14 rules.

15 (2) By a majority vote, the commission may initiate legal action  
16 against a participating state in default in the United States District  
17 Court for the District of Columbia or the federal district where the  
18 commission has its principal offices to enforce compliance with the  
19 provisions of the compact and its promulgated rules. The relief sought  
20 may include both injunctive relief and damages. In the event judicial  
21 enforcement is necessary, the prevailing party shall be awarded all  
22 costs of such litigation, including reasonable attorney fees. The  
23 remedies herein shall not be the exclusive remedies of the commission.  
24 The commission may pursue any other remedies available under  
25 federal or the defaulting participating state's law.

26 (3) A participating state may initiate legal action against the  
27 commission in the United States District Court for the District of  
28 Columbia or the federal district where the commission has its principal  
29 offices to enforce compliance with the provisions of the compact and  
30 its promulgated rules. The relief sought may include both injunctive  
31 relief and damages. In the event judicial enforcement is necessary, the  
32 prevailing party shall be awarded all costs of such litigation, including  
33 reasonable attorney fees.

34 (4) No individual or entity other than a participating state may  
35 enforce this compact against the commission.

36

37 Section 11. Effective Date, Withdrawal, and Amendment.

38 a. The compact shall come into effect on the date on which the  
39 compact statute is enacted into law in the seventh participating state.

40 (1) On or after the effective date of the compact, the commission  
41 shall convene and review the enactment of each of the states that  
42 enacted the compact prior to the commission convening, which shall  
43 be known as charter participating states, to determine if the statute  
44 enacted by each such charter participating state is materially different  
45 from the model compact.

46 (a) If the enactment of a charter participating state is found to be  
47 materially different from the model compact, the charter participating

1 state shall be entitled to the default process set forth in section 10 of  
2 this compact.

3 (b) If any participating state is later found to be in default, or is  
4 terminated or withdraws from the compact, the commission shall  
5 remain in existence and the compact shall remain in effect even if the  
6 number of participating states should be less than seven.

7 (2) Participating states enacting the compact subsequent to the  
8 charter participating states shall be subject to the process set forth in  
9 paragraph (23) of subsection c. of section 7 of this compact to  
10 determine if their enactments are materially different from the model  
11 compact and whether they qualify for participation in the compact.

12 (3) All actions taken for the benefit of the commission or in  
13 furtherance of the purposes of the administration of the compact prior  
14 to the effective date of the compact or the commission coming into  
15 existence shall be considered to be actions of the commission unless  
16 specifically repudiated by the commission.

17 (4) Any state that joins the compact subsequent to the  
18 commission's initial adoption of the rules and bylaws shall be subject  
19 to the commission's rules and bylaws as they exist on the date on  
20 which the compact becomes law in that state. Any rule that has been  
21 previously adopted by the commission shall have the full force and  
22 effect of law on the day the compact becomes law in that state.

23 b. Any participating state may withdraw from this compact by  
24 enacting a statute repealing the state's enactment of the compact.

25 (1) A participating state's withdrawal shall not take effect until  
26 180 days after enactment of the repealing statute.

27 (2) Withdrawal shall not affect the continuing requirement of the  
28 withdrawing state's licensing authority or authorities, as applicable, to  
29 comply with the investigative and adverse action reporting  
30 requirements of this compact prior to the effective date of withdrawal.

31 (3) Upon the enactment of a statute withdrawing from this  
32 compact, the withdrawing state shall immediately provide notice of  
33 such withdrawal to all licensees within that state <sup>1</sup>], including  
34 licensees of other participating states issued a compact privilege to  
35 practice within that state<sup>1</sup>. Notwithstanding any subsequent statutory  
36 enactment to the contrary, such withdrawing state shall continue to  
37 recognize all compact privileges to practice within that state granted  
38 pursuant to this compact for a minimum of 180 days after the date of  
39 such notice of withdrawal.

40 c. Nothing contained in this compact shall be construed to  
41 invalidate or prevent any licensure agreement or other cooperative  
42 arrangement between a participating state and a nonparticipating state  
43 that does not conflict with the provisions of this compact.

44 d. This compact may be amended by the participating states. No  
45 amendment to this compact shall become effective and binding upon  
46 any participating state until it is enacted into the laws of all  
47 participating states.

1 Section 12. Construction and Severability.

2 a. This compact and the commission's rulemaking authority shall  
3 be liberally construed so as to effectuate the purposes and the  
4 implementation and administration of the compact. Provisions of the  
5 compact expressly authorizing or requiring the promulgation of rules  
6 shall not be construed to limit the commission's rulemaking authority  
7 solely for those purposes.

8 b. The provisions of this compact shall be severable, and if any  
9 phrase, clause, sentence, or provision of this compact is held by a court  
10 of competent jurisdiction to be contrary to the constitution of any  
11 participating state, a state seeking participation in the compact, or of  
12 the United States, or the applicability thereof to any government,  
13 agency, person, or circumstance is held to be unconstitutional by a  
14 court of competent jurisdiction, the validity of the remainder of this  
15 compact and the applicability thereof to any other government,  
16 agency, person, or circumstance shall not be affected thereby.

17 c. Notwithstanding the provisions of subsection b. of this section,  
18 the commission may deny a state's participation in the compact or, in  
19 accordance with the requirements of section 10 of this compact,  
20 terminate a participating state's participation in the compact, if it  
21 determines that a constitutional requirement of a participating state is a  
22 material departure from the compact. Otherwise, if this compact shall  
23 be held to be contrary to the constitution of any participating state, the  
24 compact shall remain in full force and effect as to the remaining  
25 participating states and in full force and effect as to the participating  
26 state affected as to all severable matters.

27

28 Section 13. Consistent Effect and Conflict with Other State Laws.

29 a. Nothing herein shall prevent or inhibit the enforcement of any  
30 other law of a participating state that is not inconsistent with the  
31 compact.

32 b. Any laws, statutes, regulations, or other legal requirements in a  
33 participating state in conflict with the compact are superseded to the  
34 extent of the conflict.

35 c. All permissible agreements between the commission and the  
36 participating states are binding in accordance with their terms.

37

38 2. This act shall take effect immediately.

39

40

41

STATEMENT

42

43 This bill will adopt the Dentist and Dental Hygienist Compact in  
44 New Jersey, which is an interstate compact that will authorize dentists  
45 and dental hygienists licensed in a compact state to practice in any  
46 other compact state without being individually licensed in that other  
47 state.

1 Licensees in a compact state seeking to practice dentistry or dental  
2 hygiene in another compact state will be required to apply for a  
3 compact privilege to practice in the other state, including paying any  
4 applicable fees. States participating in the compact are required to  
5 meet certain requirements related to the licensure of dentists and dental  
6 hygienists, require criminal background checks of licensees and  
7 applicants for licensure, and participate in a data system that is used to  
8 track adverse actions taken against licensees in states participating in  
9 the compact. An adverse action against a licensee in a compact state  
10 will suspend the licensee's authorization to practice in all other  
11 compact states. Licensees are subject to the practice laws and  
12 jurisdiction of the state in which the licensee is practicing.

13 The compact will be overseen by a commission comprising one  
14 commissioner appointed from each member state. An executive board  
15 made up of the chair, vice chair, secretary, and treasurer of the  
16 commission, as well as up to three additional commissioners, will be  
17 charged with the day-to-day administration of the compact. The bill  
18 sets forth specific requirements concerning the operations and  
19 authorities of the commission and the executive board, as well as  
20 procedures for enforcing compliance with the compact.

21 The compact takes effect when it is adopted in at least seven states.  
22 As of May 2023, Iowa and Washington have enacted legislation  
23 adopting the Dentist and Dental Hygienist Compact.