

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0193.01 Brita Darling x2241

SENATE BILL 24-010

SENATE SPONSORSHIP

Ginal and Will,

HOUSE SPONSORSHIP

Duran and Hartsook,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ADOPTION OF THE DENTIST AND DENTAL HYGIENIST
102 COMPACT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adopts the dentist and dental hygienist compact (compact) to facilitate the interstate practice of dentistry and dental hygiene. With the adoption of the compact, a dentist or dental hygienist who holds an active, unencumbered license in a participating state and does not have an encumbered license from any participating state may apply to another participating state (remote state) for a privilege to practice dentistry or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

dental hygiene, as applicable, (compact privilege) in that state.

Under a compact privilege, the dentist or dental hygienist must practice within the scope of practice authorized for a dentist or dental hygienist licensed in the remote state and is subject to the remote state's licensing authority, which may, within the borders of the remote state, take adverse action against the dentist's or dental hygienist's compact privilege in order to protect the health and safety of its citizens. If a remote state, acting through its licensing authority, takes adverse action, the dentist's or dental hygienist's compact privilege in all remote states is removed until any restriction on the compact privilege is removed. Only the participating state in which the dentist or dental hygienist is licensed may take adverse action against the dental or dental hygienist's license; however, a remote state may take adverse action against the dentist's or dental hygienist's compact privilege in the remote state.

The compact creates the dentist and dental hygienist compact commission (commission). The commission consists of one commissioner from each participating state who is selected by the state's licensing authority. The compact authorizes the commission to create the administrative structure for the compact, including granting the powers necessary to establish and operate the commission, adopt rules and bylaws, establish an executive committee, hire employees, establish an office, and conduct the commission's meetings. Further, the commission shall develop and maintain a coordinated database and reporting system to include significant investigatory information from participating states concerning the dentist's or dental hygienist's practice and to record any adverse action against the dentist or dental hygienist.

To pay the costs associated with the compact, the compact authorizes the commission to levy and collect an annual assessment from each participating state and to impose fees on licensees for the granting or renewal of a compact privilege; except that an active military member or the member's spouse will not be required to pay the commission's fee for a compact privilege.

The compact includes provisions governing disputes among participating states and between the commission and a participating state, enforcement provisions, and withdrawal of participating states from the compact.

The compact is effective for participating states on the date on which the compact is enacted in the seventh participating state.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 45 to article
3 60 of title 24 as follows:

1 PART 45

2 DENTIST AND DENTAL HYGIENIST COMPACT

3 **24-60-4501. Compact approved and ratified.** THE GENERAL
4 ASSEMBLY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL ENTER
5 INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO AND ANY OF
6 THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING IN THE
7 COMPACT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

8 **SECTION 1. TITLE AND PURPOSE**

9 THIS COMPACT SHALL BE KNOWN AND CITED AS THE DENTIST AND DENTAL
10 HYGIENIST COMPACT. THE PURPOSES OF THIS COMPACT ARE TO
11 FACILITATE THE INTERSTATE PRACTICE OF DENTISTRY AND DENTAL
12 HYGIENE AND IMPROVE PUBLIC ACCESS TO DENTISTRY AND DENTAL
13 HYGIENE SERVICES BY PROVIDING DENTISTS AND DENTAL HYGIENISTS
14 LICENSED IN A PARTICIPATING STATE THE ABILITY TO PRACTICE IN
15 PARTICIPATING STATES IN WHICH THEY ARE NOT LICENSED. THE COMPACT
16 DOES THIS BY ESTABLISHING A PATHWAY FOR DENTISTS AND DENTAL
17 HYGIENISTS LICENSED IN A PARTICIPATING STATE TO OBTAIN A COMPACT
18 PRIVILEGE THAT AUTHORIZES THEM TO PRACTICE IN ANOTHER
19 PARTICIPATING STATE IN WHICH THEY ARE NOT LICENSED. THE COMPACT
20 ENABLES PARTICIPATING STATES TO PROTECT THE PUBLIC HEALTH AND
21 SAFETY WITH RESPECT TO THE PRACTICE OF SUCH DENTISTS AND DENTAL
22 HYGIENISTS, THROUGH THE STATE'S AUTHORITY TO REGULATE THE
23 PRACTICE OF DENTISTRY AND DENTAL HYGIENE IN THE STATE. THE
24 COMPACT:

- 25 A. ENABLES DENTISTS AND DENTAL HYGIENISTS WHO
26 QUALIFY FOR A COMPACT PRIVILEGE TO PRACTICE IN OTHER
27 PARTICIPATING STATES WITHOUT SATISFYING BURDENSOME

- 1 AND DUPLICATIVE REQUIREMENTS ASSOCIATED WITH
2 SECURING A LICENSE TO PRACTICE IN THOSE STATES;
- 3 B. PROMOTES MOBILITY AND ADDRESSES WORKFORCE
4 SHORTAGES THROUGH EACH PARTICIPATING STATE'S
5 ACCEPTANCE OF A COMPACT PRIVILEGE TO PRACTICE IN
6 THAT STATE;
- 7 C. INCREASES PUBLIC ACCESS TO QUALIFIED, LICENSED
8 DENTISTS AND DENTAL HYGIENISTS BY CREATING A
9 RESPONSIBLE, STREAMLINED PATHWAY FOR LICENSEES TO
10 PRACTICE IN PARTICIPATING STATES;
- 11 D. ENHANCES THE ABILITY OF PARTICIPATING STATES TO
12 PROTECT THE PUBLIC'S HEALTH AND SAFETY;
- 13 E. DOES NOT INTERFERE WITH LICENSURE REQUIREMENTS
14 ESTABLISHED BY A PARTICIPATING STATE;
- 15 F. FACILITATES THE SHARING OF LICENSURE AND
16 DISCIPLINARY INFORMATION AMONG PARTICIPATING
17 STATES;
- 18 G. REQUIRES DENTISTS AND DENTAL HYGIENISTS WHO
19 PRACTICE IN A PARTICIPATING STATE PURSUANT TO A
20 COMPACT PRIVILEGE TO PRACTICE WITHIN THE SCOPE OF
21 PRACTICE AUTHORIZED IN THAT STATE;
- 22 H. EXTENDS THE AUTHORITY OF A PARTICIPATING STATE TO
23 REGULATE THE PRACTICE OF DENTISTRY AND DENTAL
24 HYGIENE WITHIN ITS BORDERS TO DENTISTS AND DENTAL
25 HYGIENISTS WHO PRACTICE IN THE STATE THROUGH A
26 COMPACT PRIVILEGE;
- 27 I. PROMOTES THE COOPERATION OF PARTICIPATING STATES IN

1 REGULATING THE PRACTICE OF DENTISTRY AND DENTAL
2 HYGIENE WITHIN THOSE STATES;
3 J. FACILITATES THE RELOCATION OF MILITARY MEMBERS AND
4 THEIR SPOUSES WHO ARE LICENSED TO PRACTICE DENTISTRY
5 OR DENTAL HYGIENE.

6 **SECTION 2. DEFINITIONS**

7 AS USED IN THIS COMPACT, UNLESS THE CONTEXT REQUIRES OTHERWISE,
8 THE FOLLOWING DEFINITIONS SHALL APPLY:

9 A. **"ACTIVE MILITARY MEMBER"** MEANS ANY PERSON WITH
10 FULL-TIME DUTY STATUS IN THE ARMED FORCES OF THE
11 UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL
12 GUARD AND RESERVE.

13 B. **"ADVERSE ACTION"** MEANS DISCIPLINARY ACTION OR
14 ENCUMBRANCE IMPOSED ON A LICENSE OR COMPACT
15 PRIVILEGE BY A STATE LICENSING AUTHORITY.

16 C. **"ALTERNATIVE PROGRAM"** MEANS A NON-DISCIPLINARY
17 MONITORING OR PRACTICE REMEDIATION PROCESS
18 APPLICABLE TO A DENTIST OR DENTAL HYGIENIST
19 APPROVED BY A STATE LICENSING AUTHORITY OF A
20 PARTICIPATING STATE IN WHICH THE DENTIST OR DENTAL
21 HYGIENIST IS LICENSED. THIS INCLUDES, BUT IS NOT
22 LIMITED TO, PROGRAMS TO WHICH LICENSEES WITH
23 SUBSTANCE ABUSE OR ADDICTION ISSUES ARE REFERRED IN
24 LIEU OF ADVERSE ACTION.

25 D. **"CLINICAL ASSESSMENT"** MEANS AN EXAMINATION OR
26 PROCESS, REQUIRED FOR LICENSURE AS A DENTIST OR
27 DENTAL HYGIENIST, AS APPLICABLE, THAT PROVIDES

1 EVIDENCE OF CLINICAL COMPETENCE IN DENTISTRY OR
2 DENTAL HYGIENE.

3 E. **"COMMISSIONER"** MEANS THE INDIVIDUAL APPOINTED BY
4 A PARTICIPATING STATE TO SERVE AS THE MEMBER OF THE
5 COMMISSION FOR THAT PARTICIPATING STATE.

6 F. **"COMPACT"** MEANS THIS DENTIST AND DENTAL
7 HYGIENIST COMPACT.

8 G. **"COMPACT PRIVILEGE"** MEANS THE AUTHORIZATION
9 GRANTED BY A REMOTE STATE TO ALLOW A LICENSEE FROM
10 A PARTICIPATING STATE TO PRACTICE AS A DENTIST OR
11 DENTAL HYGIENIST IN A REMOTE STATE.

12 H. **"CONTINUING PROFESSIONAL DEVELOPMENT"** MEANS A
13 REQUIREMENT, AS A CONDITION OF LICENSE RENEWAL, TO
14 PROVIDE EVIDENCE OF SUCCESSFUL PARTICIPATION IN
15 EDUCATIONAL OR PROFESSIONAL ACTIVITIES RELEVANT TO
16 PRACTICE OR AREA OF WORK.

17 I. **"CRIMINAL BACKGROUND CHECK"** MEANS THE
18 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED
19 INFORMATION FOR A LICENSE APPLICANT FOR THE PURPOSE
20 OF OBTAINING THAT APPLICANT'S CRIMINAL HISTORY
21 RECORD INFORMATION, AS DEFINED IN 28 CFR 20.3 (d)
22 FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE
23 STATE'S CRIMINAL HISTORY RECORD REPOSITORY AS
24 DEFINED IN 28 CFR 20.3 (f).

25 J. **"DATA SYSTEM"** MEANS THE COMMISSION'S REPOSITORY
26 OF INFORMATION ABOUT LICENSEES, INCLUDING BUT NOT
27 LIMITED TO EXAMINATION, LICENSURE, INVESTIGATIVE,

1 COMPACT PRIVILEGE, ADVERSE ACTION, AND
2 ALTERNATIVE PROGRAM.

3 K. **"DENTAL HYGIENIST"** MEANS AN INDIVIDUAL WHO IS
4 LICENSED BY A STATE LICENSING AUTHORITY TO PRACTICE
5 DENTAL HYGIENE.

6 L. **"DENTIST"** MEANS AN INDIVIDUAL WHO IS LICENSED BY A
7 STATE LICENSING AUTHORITY TO PRACTICE DENTISTRY.

8 M. **"DENTIST AND DENTAL HYGIENIST COMPACT
9 COMMISSION" OR "COMMISSION"** MEANS A JOINT
10 GOVERNMENT AGENCY ESTABLISHED BY THIS COMPACT
11 COMPRISED OF EACH STATE THAT HAS ENACTED THE
12 COMPACT AND A NATIONAL ADMINISTRATIVE BODY
13 COMPRISED OF A COMMISSIONER FROM EACH STATE THAT
14 HAS ENACTED THE COMPACT.

15 N. **"ENCUMBERED LICENSE"** MEANS A LICENSE THAT A
16 STATE LICENSING AUTHORITY HAS LIMITED IN ANY WAY
17 OTHER THAN THROUGH AN ALTERNATIVE PROGRAM.

18 O. **"EXECUTIVE BOARD"** MEANS THE CHAIR, VICE CHAIR,
19 SECRETARY, AND TREASURER AND ANY OTHER
20 COMMISSIONERS AS MAY BE DETERMINED BY COMMISSION
21 RULE OR BYLAW.

22 P. **"JURISPRUDENCE REQUIREMENT"** MEANS THE
23 ASSESSMENT OF AN INDIVIDUAL'S KNOWLEDGE OF THE LAWS
24 AND RULES GOVERNING THE PRACTICE OF DENTISTRY OR
25 DENTAL HYGIENE, AS APPLICABLE, IN A STATE.

26 Q. **"LICENSE"** MEANS CURRENT AUTHORIZATION BY A STATE,
27 OTHER THAN AUTHORIZATION PURSUANT TO A COMPACT

1 PRIVILEGE OR OTHER PRIVILEGE FOR AN INDIVIDUAL TO
2 PRACTICE AS A DENTIST OR DENTAL HYGIENIST IN THAT
3 STATE.

4 R. **"LICENSEE"** MEANS AN INDIVIDUAL WHO HOLDS AN
5 UNRESTRICTED LICENSE FROM A PARTICIPATING STATE TO
6 PRACTICE AS A DENTIST OR DENTAL HYGIENIST IN THAT
7 STATE.

8 S. **"MODEL COMPACT"** MEANS THE MODEL FOR THE DENTIST
9 AND DENTAL HYGIENIST COMPACT ON FILE WITH THE
10 COUNCIL OF STATE GOVERNMENTS OR OTHER ENTITY AS
11 DESIGNATED BY THE COMMISSION.

12 T. **"PARTICIPATING STATE"** MEANS A STATE THAT HAS
13 ENACTED THE COMPACT AND BEEN ADMITTED TO THE
14 COMMISSION IN ACCORDANCE WITH THE PROVISIONS HEREIN
15 AND COMMISSION RULES.

16 U. **"QUALIFYING LICENSE"** MEANS A LICENSE THAT IS NOT
17 AN ENCUMBERED LICENSE ISSUED BY A PARTICIPATING
18 STATE TO PRACTICE DENTISTRY OR DENTAL HYGIENE.

19 V. **"REMOTE STATE"** MEANS A PARTICIPATING STATE WHERE
20 A LICENSEE WHO IS NOT LICENSED AS A DENTIST OR
21 DENTAL HYGIENIST IS EXERCISING OR SEEKING TO EXERCISE
22 THE COMPACT PRIVILEGE.

23 W. **"RULE"** MEANS A REGULATION PROMULGATED BY AN
24 ENTITY THAT HAS THE FORCE OF LAW.

25 X. **"SCOPE OF PRACTICE"** MEANS THE PROCEDURES, ACTIONS,
26 AND PROCESSES A DENTIST OR DENTAL HYGIENIST
27 LICENSED IN A STATE IS PERMITTED TO UNDERTAKE IN THAT

1 STATE AND THE CIRCUMSTANCES UNDER WHICH THE
2 LICENSEE IS PERMITTED TO UNDERTAKE THOSE
3 PROCEDURES, ACTIONS, AND PROCESSES. SUCH
4 PROCEDURES, ACTIONS, AND PROCESSES AND THE
5 CIRCUMSTANCES UNDER WHICH THEY MAY BE UNDERTAKEN
6 MAY BE ESTABLISHED THROUGH MEANS, INCLUDING, BUT
7 NOT LIMITED TO, STATUTE, REGULATIONS, CASE LAW, AND
8 OTHER PROCESSES AVAILABLE TO THE STATE LICENSING
9 AUTHORITY OR OTHER GOVERNMENT AGENCY.

10 Y. **"SIGNIFICANT INVESTIGATIVE INFORMATION"** MEANS
11 INFORMATION, RECORDS, AND DOCUMENTS RECEIVED OR
12 GENERATED BY A STATE LICENSING AUTHORITY PURSUANT
13 TO AN INVESTIGATION FOR WHICH A DETERMINATION HAS
14 BEEN MADE THAT THERE IS PROBABLE CAUSE TO BELIEVE
15 THAT THE LICENSEE HAS VIOLATED A STATUTE OR
16 REGULATION THAT IS CONSIDERED MORE THAN A MINOR
17 INFRACTION FOR WHICH THE STATE LICENSING AUTHORITY
18 COULD PURSUE ADVERSE ACTION AGAINST THE LICENSEE.

19 Z. **"STATE"** MEANS ANY STATE, COMMONWEALTH, DISTRICT,
20 OR TERRITORY OF THE UNITED STATES OF AMERICA THAT
21 REGULATES THE PRACTICES OF DENTISTRY AND DENTAL
22 HYGIENE.

23 AA. **"STATE LICENSING AUTHORITY"** MEANS AN AGENCY OR
24 OTHER ENTITY OF A STATE THAT IS RESPONSIBLE FOR THE
25 LICENSING AND REGULATION OF DENTISTS OR DENTAL
26 HYGIENISTS.

27 **SECTION 3.**

1 **STATE PARTICIPATION IN THE COMPACT**

2 A. IN ORDER TO JOIN THE COMPACT AND THEREAFTER CONTINUE AS
3 A PARTICIPATING STATE, A STATE MUST:

- 4 1. ENACT A COMPACT THAT IS NOT MATERIALLY DIFFERENT
5 FROM THE MODEL COMPACT AS DETERMINED IN
6 ACCORDANCE WITH COMMISSION RULES;
- 7 2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM;
- 8 3. HAVE A MECHANISM IN PLACE FOR RECEIVING AND
9 INVESTIGATING COMPLAINTS ABOUT ITS LICENSEES AND
10 LICENSE APPLICANTS;
- 11 4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
12 OF THE COMPACT AND COMMISSION RULES, OF ANY
13 ADVERSE ACTION OR THE AVAILABILITY OF SIGNIFICANT
14 INVESTIGATIVE INFORMATION REGARDING A LICENSEE AND
15 LICENSE APPLICANT;
- 16 5. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK
17 REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY
18 COMMISSION RULE, BY RECEIVING THE RESULTS OF A
19 QUALIFYING CRIMINAL BACKGROUND CHECK;
- 20 6. COMPLY WITH THE COMMISSION RULES APPLICABLE TO A
21 PARTICIPATING STATE;
- 22 7. ACCEPT THE NATIONAL BOARD EXAMINATIONS OF THE
23 JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS
24 OR ANOTHER EXAMINATION ACCEPTED BY COMMISSION
25 RULE AS A LICENSURE EXAMINATION;
- 26 8. ACCEPT FOR LICENSURE APPLICANTS FOR A DENTIST
27 LICENSE WHO GRADUATE FROM A PREDOCTORAL DENTAL

1 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON
2 DENTAL ACCREDITATION, OR ANOTHER ACCREDITING
3 AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT
4 OF EDUCATION FOR THE ACCREDITATION OF DENTISTRY AND
5 DENTAL HYGIENE EDUCATION PROGRAMS, LEADING TO THE
6 DOCTOR OF DENTAL SURGERY (D.D.S.) OR DOCTOR OF
7 DENTAL MEDICINE (D.M.D.) DEGREE;

8 9. ACCEPT FOR LICENSURE APPLICANTS FOR A DENTAL
9 HYGIENIST LICENSE WHO GRADUATE FROM A DENTAL
10 HYGIENE EDUCATION PROGRAM ACCREDITED BY THE
11 COMMISSION ON DENTAL ACCREDITATION OR ANOTHER
12 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES
13 DEPARTMENT OF EDUCATION FOR THE ACCREDITATION OF
14 DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS;

15 10. REQUIRE FOR LICENSURE THAT APPLICANTS SUCCESSFULLY
16 COMPLETE A CLINICAL ASSESSMENT;

17 11. HAVE CONTINUING PROFESSIONAL DEVELOPMENT
18 REQUIREMENTS AS A CONDITION FOR LICENSE RENEWAL;

19 AND

20 12. PAY A PARTICIPATION FEE TO THE COMMISSION AS
21 ESTABLISHED BY COMMISSION RULE.

22 B. PROVIDING ALTERNATIVE PATHWAYS FOR AN INDIVIDUAL TO
23 OBTAIN AN UNRESTRICTED LICENSE DOES NOT DISQUALIFY A STATE
24 FROM PARTICIPATING IN THE COMPACT.

25 C. WHEN CONDUCTING A CRIMINAL BACKGROUND CHECK, THE
26 STATE LICENSING AUTHORITY SHALL:

27 1. CONSIDER THAT INFORMATION IN MAKING A LICENSURE

- 1 DECISION;
- 2 2. MAINTAIN DOCUMENTATION OF COMPLETION OF THE
- 3 CRIMINAL BACKGROUND CHECK AND BACKGROUND CHECK
- 4 INFORMATION TO THE EXTENT ALLOWED BY STATE AND
- 5 FEDERAL LAW; AND
- 6 3. REPORT TO THE COMMISSION WHETHER IT HAS COMPLETED
- 7 THE CRIMINAL BACKGROUND CHECK AND WHETHER THE
- 8 INDIVIDUAL WAS GRANTED OR DENIED A LICENSE.
- 9 D. A LICENSEE OF A PARTICIPATING STATE WHO HAS A QUALIFYING
- 10 LICENSE IN THAT STATE AND DOES NOT HOLD AN ENCUMBERED
- 11 LICENSE IN ANY OTHER PARTICIPATING STATE SHALL BE ISSUED A
- 12 COMPACT PRIVILEGE IN A REMOTE STATE IN ACCORDANCE WITH
- 13 THE TERMS OF THE COMPACT AND COMMISSION RULES. IF A
- 14 REMOTE STATE HAS A JURISPRUDENCE REQUIREMENT, A COMPACT
- 15 PRIVILEGE WILL NOT BE ISSUED TO THE LICENSEE UNLESS THE
- 16 LICENSEE HAS SATISFIED THE JURISPRUDENCE REQUIREMENT.

17 **SECTION 4. COMPACT PRIVILEGE**

- 18 A. TO OBTAIN AND EXERCISE THE COMPACT PRIVILEGE UNDER THE
- 19 TERMS AND PROVISIONS OF THE COMPACT, THE LICENSEE SHALL:
- 20 1. HAVE A QUALIFYING LICENSE AS A DENTIST OR DENTAL
- 21 HYGIENIST IN A PARTICIPATING STATE;
- 22 2. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY REMOTE
- 23 STATE IN ACCORDANCE WITH SUBSECTION D, G, AND H OF
- 24 THIS SECTION;
- 25 3. SUBMIT TO AN APPLICATION PROCESS WHENEVER THE
- 26 LICENSEE IS SEEKING A COMPACT PRIVILEGE;
- 27 4. PAY ANY APPLICABLE COMMISSION AND REMOTE STATE

- 1 FEES FOR A COMPACT PRIVILEGE IN THE REMOTE STATE;
- 2 5. MEET ANY JURISPRUDENCE REQUIREMENT ESTABLISHED BY
- 3 A REMOTE STATE IN WHICH THE LICENSEE IS SEEKING A
- 4 COMPACT PRIVILEGE;
- 5 6. HAVE PASSED A NATIONAL BOARD EXAMINATION OF THE
- 6 JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS
- 7 OR ANOTHER EXAMINATION ACCEPTED BY COMMISSION
- 8 RULE;
- 9 7. FOR A DENTIST, HAVE GRADUATED FROM A PREDOCTORAL
- 10 DENTAL EDUCATION PROGRAM ACCREDITED BY THE
- 11 COMMISSION ON DENTAL ACCREDITATION, OR ANOTHER
- 12 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES
- 13 DEPARTMENT OF EDUCATION FOR THE ACCREDITATION OF
- 14 DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS,
- 15 LEADING TO THE DOCTOR OF DENTAL SURGERY (D.D.S.) OR
- 16 DOCTOR OF DENTAL MEDICINE (D.M.D.) DEGREE;
- 17 8. FOR A DENTAL HYGIENIST, HAVE GRADUATED FROM A
- 18 DENTAL HYGIENE EDUCATION PROGRAM ACCREDITED BY
- 19 THE COMMISSION ON DENTAL ACCREDITATION OR ANOTHER
- 20 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES
- 21 DEPARTMENT OF EDUCATION FOR THE ACCREDITATION OF
- 22 DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS;
- 23 9. HAVE SUCCESSFULLY COMPLETED A CLINICAL ASSESSMENT
- 24 FOR LICENSURE;
- 25 10. REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY
- 26 ANY NON-PARTICIPATING STATE WHEN APPLYING FOR A
- 27 COMPACT PRIVILEGE AND, OTHERWISE, WITHIN THIRTY (30)

- 1 DAYS FROM THE DATE THE ADVERSE ACTION IS TAKEN;
- 2 11. REPORT TO THE COMMISSION WHEN APPLYING FOR A
- 3 COMPACT PRIVILEGE THE ADDRESS OF THE LICENSEE'S
- 4 PRIMARY RESIDENCE AND THEREAFTER IMMEDIATELY
- 5 REPORT TO THE COMMISSION ANY CHANGE IN THE ADDRESS
- 6 OF THE LICENSEE'S PRIMARY RESIDENCE; AND
- 7 12. CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE
- 8 LICENSEE'S PRIMARY RESIDENCE ON RECORD WITH THE
- 9 COMMISSION WITH RESPECT TO ANY ACTION BROUGHT
- 10 AGAINST THE LICENSEE BY THE COMMISSION OR A
- 11 PARTICIPATING STATE AND CONSENT TO ACCEPT SERVICE
- 12 OF A SUBPOENA BY MAIL AT THE LICENSEE'S PRIMARY
- 13 RESIDENCE ON RECORD WITH THE COMMISSION WITH
- 14 RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION
- 15 CONDUCTED BY THE COMMISSION OR A PARTICIPATING
- 16 STATE.
- 17 B. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF
- 18 SUBSECTION A OF THIS SECTION TO MAINTAIN THE COMPACT
- 19 PRIVILEGE IN THE REMOTE STATE. IF THOSE REQUIREMENTS ARE
- 20 MET, THE COMPACT PRIVILEGE WILL CONTINUE AS LONG AS THE
- 21 LICENSEE MAINTAINS A QUALIFYING LICENSE IN THE STATE
- 22 THROUGH WHICH THE LICENSEE APPLIED FOR THE COMPACT
- 23 PRIVILEGE AND PAYS ANY APPLICABLE COMPACT PRIVILEGE
- 24 RENEWAL FEES.
- 25 C. A LICENSEE PROVIDING DENTISTRY OR DENTAL HYGIENE IN A
- 26 REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION
- 27 WITHIN THE SCOPE OF PRACTICE AUTHORIZED BY THE REMOTE

1 STATE FOR A DENTIST OR DENTAL HYGIENIST LICENSED IN THAT
2 STATE.

3 D. A LICENSEE PROVIDING DENTISTRY OR DENTAL HYGIENE
4 PURSUANT TO A COMPACT PRIVILEGE IN A REMOTE STATE IS
5 SUBJECT TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE
6 STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND THAT
7 STATE'S LAWS, BY ADVERSE ACTION REVOKE OR REMOVE A
8 LICENSEE'S COMPACT PRIVILEGE IN THE REMOTE STATE FOR A
9 SPECIFIC PERIOD OF TIME AND IMPOSE FINES OR TAKE ANY OTHER
10 NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS
11 CITIZENS. IF A REMOTE STATE IMPOSES AN ADVERSE ACTION
12 AGAINST A COMPACT PRIVILEGE THAT LIMITS THE COMPACT
13 PRIVILEGE, THAT ADVERSE ACTION APPLIES TO ALL COMPACT
14 PRIVILEGES IN ALL REMOTE STATES. A LICENSEE WHOSE COMPACT
15 PRIVILEGE IN A REMOTE STATE IS REMOVED FOR A SPECIFIED
16 PERIOD OF TIME IS NOT ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY
17 OTHER REMOTE STATE UNTIL THE SPECIFIC TIME FOR REMOVAL OF
18 THE COMPACT PRIVILEGE HAS PASSED AND ALL ENCUMBRANCE
19 REQUIREMENTS ARE SATISFIED.

20 E. IF A LICENSE IN A PARTICIPATING STATE IS AN ENCUMBERED
21 LICENSE, THE LICENSEE SHALL LOSE THE COMPACT PRIVILEGE IN
22 A REMOTE STATE AND SHALL NOT BE ELIGIBLE FOR A COMPACT
23 PRIVILEGE IN ANY REMOTE STATE UNTIL THE LICENSE IS NO
24 LONGER ENCUMBERED.

25 F. ONCE AN ENCUMBERED LICENSE IN A PARTICIPATING STATE IS
26 RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE
27 REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO OBTAIN A

- 1 COMPACT PRIVILEGE IN A REMOTE STATE.
- 2 G. IF A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE STATE IS
3 REMOVED BY THE REMOTE STATE, THE INDIVIDUAL SHALL LOSE OR
4 BE INELIGIBLE FOR THE COMPACT PRIVILEGE IN ANY REMOTE
5 STATE UNTIL THE FOLLOWING OCCUR:
- 6 1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT
7 PRIVILEGE WAS REMOVED HAS ENDED; AND
- 8 2. ALL CONDITIONS FOR REMOVAL OF THE COMPACT
9 PRIVILEGE HAVE BEEN SATISFIED.
- 10 H. ONCE THE REQUIREMENTS OF SUBSECTION G OF THIS SECTION
11 HAVE BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN
12 SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE
13 IN A REMOTE STATE.

14 **SECTION 5.**

15 **ACTIVE MILITARY MEMBERS OR THEIR SPOUSES**

16 AN ACTIVE MILITARY MEMBER AND THEIR SPOUSE SHALL NOT BE
17 REQUIRED TO PAY TO THE COMMISSION FOR A COMPACT PRIVILEGE THE
18 FEE OTHERWISE CHARGED BY THE COMMISSION. IF A REMOTE STATE
19 CHOOSES TO CHARGE A FEE FOR A COMPACT PRIVILEGE, IT MAY CHOOSE
20 TO CHARGE A REDUCED FEE OR NO FEE TO AN ACTIVE MILITARY MEMBER
21 AND THEIR SPOUSE FOR A COMPACT PRIVILEGE.

22 **SECTION 6. ADVERSE ACTIONS**

- 23 A. A PARTICIPATING STATE IN WHICH A LICENSEE IS LICENSED SHALL
24 HAVE EXCLUSIVE AUTHORITY TO IMPOSE ADVERSE ACTION
25 AGAINST THE QUALIFYING LICENSE ISSUED BY THAT
26 PARTICIPATING STATE.
- 27 B. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON

1 THE SIGNIFICANT INVESTIGATIVE INFORMATION OF A REMOTE
2 STATE, SO LONG AS THE PARTICIPATING STATE FOLLOWS ITS OWN
3 PROCEDURES FOR IMPOSING ADVERSE ACTION.

4 C. NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTICIPATING
5 STATE'S DECISION THAT PARTICIPATION IN AN ALTERNATIVE
6 PROGRAM MAY BE USED IN LIEU OF ADVERSE ACTION AND THAT
7 SUCH PARTICIPATION SHALL REMAIN NON-PUBLIC IF REQUIRED BY
8 THE PARTICIPATING STATE'S LAWS. PARTICIPATING STATES MUST
9 REQUIRE LICENSEES WHO ENTER ANY ALTERNATIVE PROGRAM IN
10 LIEU OF DISCIPLINE TO AGREE NOT TO PRACTICE PURSUANT TO A
11 COMPACT PRIVILEGE IN ANY OTHER PARTICIPATING STATE DURING
12 THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR
13 AUTHORIZATION FROM SUCH OTHER PARTICIPATING STATE.

14 D. ANY PARTICIPATING STATE IN WHICH A LICENSEE IS APPLYING TO
15 PRACTICE OR IS PRACTICING PURSUANT TO A COMPACT PRIVILEGE
16 MAY INVESTIGATE ACTUAL OR ALLEGED VIOLATIONS OF THE
17 STATUTES AND REGULATIONS AUTHORIZING THE PRACTICE OF
18 DENTISTRY OR DENTAL HYGIENE IN ANY OTHER PARTICIPATING
19 STATE IN WHICH THE DENTIST OR DENTAL HYGIENIST HOLDS A
20 LICENSE OR COMPACT PRIVILEGE.

21 E. A REMOTE STATE SHALL HAVE THE AUTHORITY TO:
22 1. TAKE ADVERSE ACTIONS AS SET FORTH IN SECTION 4.D
23 AGAINST A LICENSEE'S COMPACT PRIVILEGE IN THE STATE;
24 2. IN FURTHERANCE OF ITS RIGHTS AND RESPONSIBILITIES
25 UNDER THE COMPACT AND THE COMMISSION'S RULES, ISSUE
26 SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS
27 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF

1 WITNESSES AND THE PRODUCTION OF EVIDENCE.
2 SUBPOENAS ISSUED BY A STATE LICENSING AUTHORITY IN
3 A PARTICIPATING STATE FOR THE ATTENDANCE AND
4 TESTIMONY OF WITNESSES, OR THE PRODUCTION OF
5 EVIDENCE FROM ANOTHER PARTICIPATING STATE, SHALL BE
6 ENFORCED IN THE LATTER STATE BY ANY COURT OF
7 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
8 AND PROCEDURE OF THAT COURT APPLICABLE TO
9 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
10 THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,
11 TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY
12 THE SERVICE STATUTES OF THE STATE WHERE THE
13 WITNESSES OR EVIDENCE IS LOCATED; AND

14 3. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM
15 THE LICENSEE THE COSTS OF INVESTIGATIONS AND
16 DISPOSITION OF CASES RESULTING FROM ANY ADVERSE
17 ACTION TAKEN AGAINST THAT LICENSEE.

18 F. JOINT INVESTIGATIONS

19 1. IN ADDITION TO THE AUTHORITY GRANTED TO A
20 PARTICIPATING STATE BY ITS DENTIST OR DENTAL
21 HYGIENIST LICENSURE ACT OR OTHER APPLICABLE STATE
22 LAW, A PARTICIPATING STATE MAY JOINTLY INVESTIGATE
23 LICENSEES WITH OTHER PARTICIPATING STATES.

24 2. PARTICIPATING STATES SHALL SHARE ANY SIGNIFICANT
25 INVESTIGATIVE INFORMATION, LITIGATION, OR COMPLIANCE
26 MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL
27 INVESTIGATION INITIATED UNDER THE COMPACT.

- 1 G. AUTHORITY TO CONTINUE INVESTIGATION
- 2 1. AFTER A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE
- 3 STATE IS TERMINATED, THE REMOTE STATE MAY CONTINUE
- 4 AN INVESTIGATION OF THE LICENSEE THAT BEGAN WHEN
- 5 THE LICENSEE HAD A COMPACT PRIVILEGE IN THAT REMOTE
- 6 STATE.
- 7 2. IF THE INVESTIGATION YIELDS WHAT WOULD BE
- 8 SIGNIFICANT INVESTIGATIVE INFORMATION HAD THE
- 9 LICENSEE CONTINUED TO HAVE A COMPACT PRIVILEGE IN
- 10 THAT REMOTE STATE, THE REMOTE STATE SHALL REPORT
- 11 THE PRESENCE OF SUCH INFORMATION TO THE DATA
- 12 SYSTEM AS REQUIRED BY SECTION 8.B.6 AS IF IT WAS
- 13 SIGNIFICANT INVESTIGATIVE INFORMATION.

14 **SECTION 7.**

15 **ESTABLISHMENT AND OPERATION OF THE COMMISSION**

- 16 A. THE COMPACT PARTICIPATING STATES HEREBY CREATE AND
- 17 ESTABLISH A JOINT GOVERNMENT AGENCY WHOSE MEMBERSHIP
- 18 CONSISTS OF ALL PARTICIPATING STATES THAT HAVE ENACTED THE
- 19 COMPACT. THE COMMISSION IS AN INSTRUMENTALITY OF THE
- 20 PARTICIPATING STATES ACTING JOINTLY AND NOT AN
- 21 INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL
- 22 COME INTO EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THE
- 23 COMPACT AS SET FORTH IN SECTION 11.A.
- 24 B. PARTICIPATION, VOTING, AND MEETINGS
- 25 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED
- 26 TO ONE (1) COMMISSIONER SELECTED BY THAT
- 27 PARTICIPATING STATE'S STATE LICENSING AUTHORITY OR,

1 IF THE STATE HAS MORE THAN ONE STATE LICENSING
2 AUTHORITY, SELECTED COLLECTIVELY BY THE STATE
3 LICENSING AUTHORITIES.

4 2. THE COMMISSIONER SHALL BE A MEMBER OR DESIGNEE OF
5 SUCH AUTHORITY OR AUTHORITIES.

6 3. THE COMMISSION MAY BY RULE OR BYLAW ESTABLISH A
7 TERM OF OFFICE FOR COMMISSIONERS AND MAY BY RULE
8 OR BYLAW ESTABLISH TERM LIMITS.

9 4. THE COMMISSION MAY RECOMMEND TO A STATE LICENSING
10 AUTHORITY OR AUTHORITIES, AS APPLICABLE, REMOVAL OR
11 SUSPENSION OF AN INDIVIDUAL AS THE STATE'S
12 COMMISSIONER.

13 5. A PARTICIPATING STATE'S STATE LICENSING AUTHORITY,
14 OR AUTHORITIES, AS APPLICABLE, SHALL FILL ANY
15 VACANCY OF ITS COMMISSIONER ON THE COMMISSION
16 WITHIN SIXTY (60) DAYS OF THE VACANCY.

17 6. EACH COMMISSIONER SHALL BE ENTITLED TO ONE VOTE ON
18 ALL MATTERS THAT ARE VOTED UPON BY THE COMMISSION.

19 7. THE COMMISSION SHALL MEET AT LEAST ONCE DURING
20 EACH CALENDAR YEAR. ADDITIONAL MEETINGS MAY BE
21 HELD AS SET FORTH IN THE BYLAWS. THE COMMISSION MAY
22 MEET BY TELECOMMUNICATION, VIDEO CONFERENCE, OR
23 OTHER SIMILAR ELECTRONIC MEANS.

24 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

- 25 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;
- 26 2. ESTABLISH A CODE OF CONDUCT AND CONFLICT OF
27 INTEREST POLICIES;

- 1 3. ADOPT RULES AND BYLAWS;
- 2 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH
- 3 THE BYLAWS;
- 4 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
- 5 THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S
- 6 RULES, AND THE BYLAWS;
- 7 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS
- 8 IN THE NAME OF THE COMMISSION, PROVIDED THAT THE
- 9 STANDING OF ANY STATE LICENSING AUTHORITY TO SUE OR
- 10 BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
- 11 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION
- 12 PROVIDED TO A PARTICIPATING STATE AS THE
- 13 AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION
- 14 AND DESIGNATE A PERSON TO DO SO ON THE COMMISSION'S
- 15 BEHALF;
- 16 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 17 9. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
- 18 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES
- 19 OF A PARTICIPATING STATE;
- 20 10. CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 21 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
- 22 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS
- 23 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF
- 24 THE COMPACT, AND ESTABLISH THE COMMISSION'S
- 25 PERSONNEL POLICIES AND PROGRAMS RELATING TO
- 26 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
- 27 AND OTHER RELATED PERSONNEL MATTERS;

- 1 12. AS SET FORTH IN THE COMMISSION RULES, CHARGE A FEE
2 TO A LICENSEE FOR THE GRANT OF A COMPACT PRIVILEGE
3 IN A REMOTE STATE AND THEREAFTER, AS MAY BE
4 ESTABLISHED BY COMMISSION RULE, CHARGE THE
5 LICENSEE A COMPACT PRIVILEGE RENEWAL FEE FOR EACH
6 RENEWAL PERIOD IN WHICH THAT LICENSEE EXERCISES OR
7 INTENDS TO EXERCISE THE COMPACT PRIVILEGE IN THAT
8 REMOTE STATE. NOTHING HEREIN SHALL BE CONSTRUED TO
9 PREVENT A REMOTE STATE FROM CHARGING A LICENSEE A
10 FEE FOR A COMPACT PRIVILEGE OR RENEWALS OF A
11 COMPACT PRIVILEGE, OR A FEE FOR THE JURISPRUDENCE
12 REQUIREMENT IF THE REMOTE STATE IMPOSES SUCH A
13 REQUIREMENT FOR THE GRANT OF A COMPACT PRIVILEGE.
- 14 13. ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,
15 GRANTS OF MONEY, OTHER SOURCES OF REVENUE,
16 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES AND
17 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED
18 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
19 APPEARANCE OF IMPROPRIETY, CONFLICT OF INTEREST, OR
20 BOTH;
- 21 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE
22 ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY
23 UNDIVIDED INTEREST THEREIN;
- 24 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
25 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,
26 PERSONAL, OR MIXED;
- 27 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES;

- 1 17. BORROW MONEY;
- 2 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,
- 3 WHICH MAY BE COMPOSED OF MEMBERS, STATE
- 4 REGULATORS, STATE LEGISLATORS OR THEIR
- 5 REPRESENTATIVES, CONSUMER REPRESENTATIVES, AND
- 6 SUCH OTHER INTERESTED PERSONS AS MAY BE DESIGNATED
- 7 IN THIS COMPACT AND THE BYLAWS;
- 8 19. PROVIDE AND RECEIVE INFORMATION FROM, AND
- 9 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;
- 10 20. ELECT A CHAIR, VICE CHAIR, SECRETARY, TREASURER,
- 11 AND SUCH OTHER OFFICERS OF THE COMMISSION AS
- 12 PROVIDED IN THE COMMISSION'S BYLAWS;
- 13 21. ESTABLISH AND ELECT AN EXECUTIVE BOARD;
- 14 22. ADOPT AND PROVIDE TO THE PARTICIPATING STATES AN
- 15 ANNUAL REPORT;
- 16 23. DETERMINE WHETHER A STATE'S ENACTED COMPACT IS
- 17 MATERIALLY DIFFERENT FROM THE MODEL COMPACT
- 18 LANGUAGE SUCH THAT THE STATE WOULD NOT QUALIFY
- 19 FOR PARTICIPATION IN THE COMPACT; AND
- 20 24. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
- 21 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS
- 22 COMPACT.

23 D. MEETINGS OF THE COMMISSION

- 24 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
- 25 PURSUANT TO THIS SUBSECTION D SHALL BE OPEN TO THE
- 26 PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL BE POSTED ON
- 27 THE COMMISSION'S WEBSITE AT LEAST THIRTY (30) DAYS

- 1 PRIOR TO THE PUBLIC MEETING.
- 2 2. NOTWITHSTANDING SUBSECTION D.1 OF THIS SECTION, THE
3 COMMISSION MAY CONVENE AN EMERGENCY PUBLIC
4 MEETING BY PROVIDING AT LEAST TWENTY-FOUR (24)
5 HOURS' PRIOR NOTICE ON THE COMMISSION'S WEBSITE AND
6 BY ANY OTHER MEANS AS PROVIDED IN THE COMMISSION'S
7 RULES FOR ANY OF THE REASONS IT MAY DISPENSE WITH
8 NOTICE OF PROPOSED RULEMAKING UNDER SECTION 9.L.
9 THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT
10 ONE OF THE REASONS JUSTIFYING AN EMERGENCY PUBLIC
11 MEETING HAS BEEN MET.
- 12 3. NOTICE OF ALL COMMISSION MEETINGS SHALL PROVIDE THE
13 TIME, DATE, AND LOCATION OF THE MEETING, AND IF THE
14 MEETING IS TO BE HELD OR ACCESSIBLE VIA
15 TELECOMMUNICATION, VIDEO CONFERENCE, OR OTHER
16 ELECTRONIC MEANS, THE NOTICE SHALL INCLUDE THE
17 MECHANISM FOR ACCESS TO THE MEETING THROUGH SUCH
18 MEANS.
- 19 4. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
20 MEETING FOR THE COMMISSION TO RECEIVE LEGAL ADVICE
21 OR TO DISCUSS:
- 22 a. NON-COMPLIANCE OF A PARTICIPATING STATE WITH
23 ITS OBLIGATIONS UNDER THE COMPACT;
- 24 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR
25 OTHER MATTERS, PRACTICES OR PROCEDURES
26 RELATED TO SPECIFIC EMPLOYEES OR OTHER
27 MATTERS RELATED TO THE COMMISSION'S INTERNAL

- 1 PERSONNEL PRACTICES AND PROCEDURES;
- 2 c. CURRENT OR THREATENED DISCIPLINE OF A
- 3 LICENSEE OR COMPACT PRIVILEGE HOLDER BY THE
- 4 COMMISSION OR BY A PARTICIPATING STATE'S
- 5 LICENSING AUTHORITY;
- 6 d. CURRENT, THREATENED, OR REASONABLY
- 7 ANTICIPATED LITIGATION;
- 8 e. NEGOTIATION OF CONTRACTS FOR THE PURCHASE,
- 9 LEASE, OR SALE OF GOODS, SERVICES, OR REAL
- 10 ESTATE;
- 11 f. ACCUSING ANY PERSON OF A CRIME OR FORMALLY
- 12 CENSURING ANY PERSON;
- 13 g. TRADE SECRETS OR COMMERCIAL OR FINANCIAL
- 14 INFORMATION THAT IS PRIVILEGED OR
- 15 CONFIDENTIAL;
- 16 h. INFORMATION OF A PERSONAL NATURE WHERE
- 17 DISCLOSURE WOULD CONSTITUTE A CLEARLY
- 18 UNWARRANTED INVASION OF PERSONAL PRIVACY;
- 19 i. INVESTIGATIVE RECORDS COMPILED FOR LAW
- 20 ENFORCEMENT PURPOSES;
- 21 j. INFORMATION RELATED TO ANY INVESTIGATIVE
- 22 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE
- 23 OF THE COMMISSION OR OTHER COMMITTEE
- 24 CHARGED WITH RESPONSIBILITY OF INVESTIGATION
- 25 OR DETERMINATION OF COMPLIANCE ISSUES
- 26 PURSUANT TO THE COMPACT;
- 27 k. LEGAL ADVICE;

1 1. MATTERS SPECIFICALLY EXEMPTED FROM
2 DISCLOSURE TO THE PUBLIC BY FEDERAL OR
3 PARTICIPATING STATE LAW; AND

4 m. OTHER MATTERS AS PROMULGATED BY THE
5 COMMISSION BY RULE.

6 5. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE
7 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL
8 BE CLOSED AND REFERENCE EACH RELEVANT EXEMPTING
9 PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN
10 THE MINUTES.

11 6. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND
12 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING
13 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF
14 ACTIONS TAKEN AND THE REASONS THEREFORE, INCLUDING
15 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS
16 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE
17 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND
18 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER
19 SEAL, SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF
20 THE COMMISSION OR ORDER OF A COURT OF COMPETENT
21 JURISDICTION.

22 E. FINANCING OF THE COMMISSION

23 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE
24 PAYMENT OF, THE REASONABLE EXPENSES OF ITS
25 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

26 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE
27 SOURCES OF REVENUE, DONATIONS, AND GRANTS OF

1 MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.

2 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
3 ASSESSMENT FROM EACH PARTICIPATING STATE AND
4 IMPOSE FEES ON LICENSEES OF PARTICIPATING STATES
5 WHEN A COMPACT PRIVILEGE IS GRANTED TO COVER THE
6 COST OF THE OPERATIONS AND ACTIVITIES OF THE
7 COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL
8 AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS
9 APPROVED EACH FISCAL YEAR FOR WHICH SUFFICIENT
10 REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE
11 AGGREGATE ANNUAL ASSESSMENT AMOUNT FOR
12 PARTICIPATING STATES SHALL BE ALLOCATED BASED UPON
13 A FORMULA THAT THE COMMISSION SHALL PROMULGATE BY
14 RULE.

15 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY
16 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET
17 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE
18 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
21 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
22 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO
23 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES
24 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND
25 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION
26 SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A
27 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE

1 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN
2 AND BECOME PART OF THE ANNUAL REPORT OF THE
3 COMMISSION.

4 F. THE EXECUTIVE BOARD

5 1. THE EXECUTIVE BOARD SHALL HAVE THE POWER TO ACT ON
6 BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF
7 THIS COMPACT. THE POWERS, DUTIES, AND
8 RESPONSIBILITIES OF THE EXECUTIVE BOARD SHALL
9 INCLUDE:

10 a. OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE
11 ADMINISTRATION OF THE COMPACT INCLUDING
12 COMPLIANCE WITH THE PROVISIONS OF THE
13 COMPACT, THE COMMISSION'S RULES, AND BYLAWS;

14 b. RECOMMENDING TO THE COMMISSION CHANGES TO
15 THE RULES OR BYLAWS, CHANGES TO THIS COMPACT
16 LEGISLATION, FEES CHARGED TO COMPACT
17 PARTICIPATING STATES, FEES CHARGED TO
18 LICENSEES, AND OTHER FEES;

19 c. ENSURING COMPACT ADMINISTRATION SERVICES
20 ARE APPROPRIATELY PROVIDED, INCLUDING BY
21 CONTRACT;

22 d. PREPARING AND RECOMMENDING THE BUDGET;

23 e. MAINTAINING FINANCIAL RECORDS ON BEHALF OF
24 THE COMMISSION;

25 f. MONITORING COMPACT COMPLIANCE OF
26 PARTICIPATING STATES AND PROVIDING
27 COMPLIANCE REPORTS TO THE COMMISSION;

- 1 g. ESTABLISHING ADDITIONAL COMMITTEES AS
- 2 NECESSARY;
- 3 h. EXERCISING THE POWERS AND DUTIES OF THE
- 4 COMMISSION DURING THE INTERIM BETWEEN
- 5 COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR
- 6 AMENDING RULES, ADOPTING OR AMENDING
- 7 BYLAWS, AND EXERCISING ANY OTHER POWERS AND
- 8 DUTIES EXPRESSLY RESERVED TO THE COMMISSION
- 9 BY RULE OR BYLAW; AND
- 10 i. OTHER DUTIES AS PROVIDED IN THE RULES OR
- 11 BYLAWS OF THE COMMISSION.
- 12 2. THE EXECUTIVE BOARD SHALL BE COMPOSED OF UP TO
- 13 SEVEN (7) MEMBERS:
- 14 a. THE CHAIR, VICE CHAIR, SECRETARY, TREASURER,
- 15 AND ANY OTHER MEMBERS OF THE COMMISSION
- 16 WHO SERVE ON THE EXECUTIVE BOARD SHALL BE
- 17 VOTING MEMBERS OF THE EXECUTIVE BOARD; AND
- 18 b. OTHER THAN THE CHAIR, VICE CHAIR, SECRETARY,
- 19 AND TREASURER, THE COMMISSION MAY ELECT UP
- 20 TO THREE (3) VOTING MEMBERS FROM THE CURRENT
- 21 MEMBERSHIP OF THE COMMISSION.
- 22 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
- 23 EXECUTIVE BOARD AS PROVIDED IN THE COMMISSION'S
- 24 BYLAWS.
- 25 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.
- 26 a. AN EXECUTIVE BOARD MEETING AT WHICH IT TAKES
- 27 OR INTENDS TO TAKE FORMAL ACTION ON A MATTER

1 SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE
2 EXECUTIVE BOARD MAY MEET IN A CLOSED,
3 NON-PUBLIC SESSION OF A PUBLIC MEETING WHEN
4 DEALING WITH ANY OF THE MATTERS COVERED
5 UNDER SUBSECTION D.4 OF THIS SECTION.

6 b. THE EXECUTIVE BOARD SHALL GIVE FIVE (5)
7 BUSINESS DAYS' NOTICE OF ITS PUBLIC MEETINGS,
8 POSTED ON ITS WEBSITE AND AS IT MAY OTHERWISE
9 DETERMINE TO PROVIDE NOTICE TO PERSONS WITH
10 AN INTEREST IN THE PUBLIC MATTERS THE
11 EXECUTIVE BOARD INTENDS TO ADDRESS AT THOSE
12 MEETINGS.

13 5. THE EXECUTIVE BOARD MAY HOLD AN EMERGENCY
14 MEETING WHEN ACTING FOR THE COMMISSION TO:

15 a. MEET AN IMMINENT THREAT TO PUBLIC HEALTH,
16 SAFETY, OR WELFARE;

17 b. PREVENT A LOSS OF COMMISSION OR PARTICIPATING
18 STATE FUNDS; OR

19 c. PROTECT PUBLIC HEALTH AND SAFETY.

20 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

21 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,
22 EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION
23 SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH
24 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY
25 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL
26 INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING
27 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION

1 THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE
2 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING
3 OCCURRED, WITHIN THE SCOPE OF COMMISSION
4 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED
5 THAT NOTHING IN THIS SUBSECTION G.1 SHALL BE
6 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR
7 LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY
8 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON
9 MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF
10 INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT
11 IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY
12 GRANTED HEREUNDER.

13 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
14 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF
15 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE
16 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
17 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
18 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
19 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
20 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE
21 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
22 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
23 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
24 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN
25 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,
26 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION
27 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR

- 1 WILLFUL OR WANTON MISCONDUCT.
- 2 3. NOTWITHSTANDING SUBSECTION G.1 OF THIS SECTION,
3 SHOULD ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR,
4 EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION BE
5 HELD LIABLE FOR THE AMOUNT OF ANY SETTLEMENT OR
6 JUDGMENT ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
7 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
8 THAT INDIVIDUAL'S EMPLOYMENT, DUTIES, OR
9 RESPONSIBILITIES FOR THE COMMISSION, OR THAT THE
10 PERSON TO WHOM THAT INDIVIDUAL IS LIABLE HAD A
11 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
12 SCOPE OF THE INDIVIDUAL'S EMPLOYMENT, DUTIES, OR
13 RESPONSIBILITIES FOR THE COMMISSION, THE COMMISSION
14 SHALL INDEMNIFY AND HOLD HARMLESS SUCH INDIVIDUAL,
15 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
16 OMISSION DID NOT RESULT FROM THE INTENTIONAL OR
17 WILLFUL OR WANTON MISCONDUCT OF THE INDIVIDUAL.
- 18 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION
19 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL
20 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE
21 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE
22 LAWS.
- 23 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO
24 WAIVE OR OTHERWISE ABROGATE A PARTICIPATING STATE'S
25 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
26 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
27 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR

1 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR
2 REGULATION.

3 6. NOTHING IN THIS COMPACT SHALL BE CONSTRUED TO BE A
4 WAIVER OF SOVEREIGN IMMUNITY BY THE PARTICIPATING
5 STATES OR BY THE COMMISSION.

6 **SECTION 8. DATA SYSTEM**

7 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,
8 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED
9 DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE,
10 ADVERSE ACTION, AND THE PRESENCE OF SIGNIFICANT
11 INVESTIGATIVE INFORMATION ON ALL LICENSEES AND APPLICANTS
12 FOR A LICENSE IN PARTICIPATING STATES.

13 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
14 CONTRARY, A PARTICIPATING STATE SHALL SUBMIT A UNIFORM
15 DATA SET TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM
16 THIS COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE
17 COMMISSION, INCLUDING:

- 18 1. IDENTIFYING INFORMATION;
- 19 2. LICENSURE DATA;
- 20 3. ADVERSE ACTIONS AGAINST A LICENSEE, LICENSE
21 APPLICANT, OR COMPACT PRIVILEGE AND INFORMATION
22 RELATED THERETO;
- 23 4. NON-CONFIDENTIAL INFORMATION RELATED TO
24 ALTERNATIVE PROGRAM PARTICIPATION, THE BEGINNING
25 AND ENDING DATES OF SUCH PARTICIPATION, AND OTHER
26 INFORMATION RELATED TO SUCH PARTICIPATION;
- 27 5. ANY DENIAL OF AN APPLICATION FOR LICENSURE, AND THE

1 REASON(S) FOR SUCH DENIAL, EXCLUDING THE REPORTING
2 OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE
3 PROHIBITED BY LAW;

4 6. THE PRESENCE OF SIGNIFICANT INVESTIGATIVE
5 INFORMATION; AND

6 7. OTHER INFORMATION THAT MAY FACILITATE THE
7 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF
8 THE PUBLIC, AS DETERMINED BY THE RULES OF THE
9 COMMISSION.

10 C. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING
11 STATE PURSUANT TO THIS COMPACT OR THROUGH THE DATA
12 SYSTEM, WHEN CERTIFIED BY THE COMMISSION OR AN AGENT
13 THEREOF, SHALL CONSTITUTE THE AUTHENTICATED BUSINESS
14 RECORDS OF THE COMMISSION AND SHALL BE ENTITLED TO ANY
15 ASSOCIATED HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL,
16 QUASI-JUDICIAL, OR ADMINISTRATIVE PROCEEDINGS IN A
17 PARTICIPATING STATE.

18 D. SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A
19 LICENSEE IN ANY PARTICIPATING STATE WILL ONLY BE AVAILABLE
20 TO OTHER PARTICIPATING STATES.

21 E. IT IS THE RESPONSIBILITY OF THE PARTICIPATING STATES TO
22 MONITOR THE DATABASE TO DETERMINE WHETHER ADVERSE
23 ACTION HAS BEEN TAKEN AGAINST A LICENSEE OR LICENSE
24 APPLICANT. ADVERSE ACTION INFORMATION PERTAINING TO A
25 LICENSEE OR LICENSE APPLICANT IN ANY PARTICIPATING STATE
26 WILL BE AVAILABLE TO ANY OTHER PARTICIPATING STATE.

27 F. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE

1 DATA SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE
2 SHARED WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF
3 THE CONTRIBUTING STATE.

4 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
5 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE
6 LAWS OF THE PARTICIPATING STATE CONTRIBUTING THE
7 INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

8 **SECTION 9. RULEMAKING**

9 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN
10 ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND
11 ADMINISTER THE PURPOSES AND PROVISIONS OF THE COMPACT. A
12 COMMISSION RULE SHALL BE INVALID AND HAVE NO FORCE OR
13 EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT
14 THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS
15 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE
16 AND PURPOSES OF THE COMPACT, OR THE POWERS GRANTED
17 HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF
18 REVIEW.

19 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW
20 IN EACH PARTICIPATING STATE, PROVIDED HOWEVER THAT WHERE
21 THE RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE
22 PARTICIPATING STATE THAT ESTABLISH THE PARTICIPATING
23 STATE'S SCOPE OF PRACTICE AS HELD BY A COURT OF COMPETENT
24 JURISDICTION, THE RULES OF THE COMMISSION SHALL BE
25 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.

26 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
27 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE

1 RULES ADOPTED THEREUNDER. RULES SHALL BECOME BINDING AS
2 OF THE DATE SPECIFIED BY THE COMMISSION FOR EACH RULE.

3 D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING
4 STATES REJECTS A COMMISSION RULE OR PORTION OF A
5 COMMISSION RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION
6 IN THE SAME MANNER USED TO ADOPT THE COMPACT, WITHIN FOUR
7 (4) YEARS OF THE DATE OF ADOPTION OF THE RULE, THEN SUCH
8 RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY
9 PARTICIPATING STATE OR TO ANY STATE APPLYING TO
10 PARTICIPATE IN THE COMPACT.

11 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF
12 THE COMMISSION.

13 F. PRIOR TO ADOPTION OF A PROPOSED RULE, THE COMMISSION SHALL
14 HOLD A PUBLIC HEARING AND ALLOW PERSONS TO PROVIDE ORAL
15 AND WRITTEN COMMENTS, DATA, FACTS, OPINIONS, AND
16 ARGUMENTS.

17 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION,
18 AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT
19 WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE
20 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF
21 PROPOSED RULEMAKING:

- 22 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY
23 ACCESSIBLE PLATFORM;
- 24 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE
25 COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND
- 26 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE
27 SPECIFY.

- 1 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:
- 2 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING AT
- 3 WHICH THE COMMISSION WILL HEAR PUBLIC COMMENTS ON
- 4 THE PROPOSED RULE AND, IF DIFFERENT, THE TIME, DATE,
- 5 AND LOCATION OF THE MEETING WHERE THE COMMISSION
- 6 WILL CONSIDER AND VOTE ON THE PROPOSED RULE;
- 7 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO
- 8 CONFERENCE, OR OTHER ELECTRONIC MEANS, THE
- 9 COMMISSION SHALL INCLUDE THE MECHANISM FOR ACCESS
- 10 TO THE HEARING IN THE NOTICE OF PROPOSED
- 11 RULEMAKING;
- 12 3. THE TEXT OF THE PROPOSED RULE AND THE REASON
- 13 THEREFOR;
- 14 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM
- 15 ANY INTERESTED PERSON; AND
- 16 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
- 17 WRITTEN COMMENTS.
- 18 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING
- 19 AND ALL WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE
- 20 COMMISSION IN RESPONSE TO THE PROPOSED RULE SHALL BE
- 21 AVAILABLE TO THE PUBLIC.
- 22 J. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING A
- 23 SEPARATE HEARING ON EACH COMMISSION RULE. RULES MAY BE
- 24 GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT
- 25 HEARINGS REQUIRED BY THIS SECTION.
- 26 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL
- 27 COMMISSIONERS, TAKE FINAL ACTION ON THE PROPOSED RULE

1 BASED ON THE RULEMAKING RECORD.

2 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED
3 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE
4 ORIGINAL PURPOSE OF THE PROPOSED RULE.

5 2. THE COMMISSION SHALL PROVIDE AN EXPLANATION OF THE
6 REASONS FOR SUBSTANTIVE CHANGES MADE TO THE
7 PROPOSED RULE AS WELL AS REASONS FOR SUBSTANTIVE
8 CHANGES NOT MADE THAT WERE RECOMMENDED BY
9 COMMENTERS.

10 3. THE COMMISSION SHALL DETERMINE A REASONABLE
11 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN
12 EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS
13 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NO
14 SOONER THAN THIRTY (30) DAYS AFTER THE COMMISSION
15 ISSUES THE NOTICE THAT IT ADOPTED OR AMENDED THE
16 RULE.

17 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
18 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE
19 WITH 24 HOURS' NOTICE, WITH OPPORTUNITY TO COMMENT,
20 PROVIDED THAT THE USUAL RULEMAKING PROCEDURES PROVIDED
21 IN THE COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY
22 APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, IN NO
23 EVENT LATER THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE
24 OF THE RULE. FOR THE PURPOSES OF THIS PROVISION, AN
25 EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY
26 IN ORDER TO:

27 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY,

- 1 OR WELFARE;
- 2 2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE
- 3 FUNDS;
- 4 3. MEET A DEADLINE FOR THE PROMULGATION OF A RULE
- 5 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE; OR
- 6 4. PROTECT PUBLIC HEALTH AND SAFETY.

7 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE

8 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED

9 RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,

10 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL

11 ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON

12 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE

13 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY

14 (30) DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED

15 ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL

16 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING

17 AND DELIVERED TO THE COMMISSION PRIOR TO THE END OF THE

18 NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL

19 TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS

20 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE

21 APPROVAL OF THE COMMISSION.

22 N. NO PARTICIPATING STATE'S RULEMAKING REQUIREMENTS SHALL

23 APPLY UNDER THIS COMPACT.

24 **SECTION 10.**

25 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

26 A. OVERSIGHT

27 1. THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE

1 GOVERNMENT IN EACH PARTICIPATING STATE SHALL
2 ENFORCE THIS COMPACT AND TAKE ALL ACTIONS
3 NECESSARY AND APPROPRIATE TO IMPLEMENT THE
4 COMPACT.

5 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR
6 AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND
7 EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION
8 WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS
9 LOCATED. THE COMMISSION MAY WAIVE VENUE AND
10 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR
11 CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE
12 RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT
13 OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY
14 ACTION AGAINST A LICENSEE FOR PROFESSIONAL
15 MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR
16 MATTER.

17 3. THE COMMISSION SHALL BE ENTITLED TO RECEIVE SERVICE
18 OF PROCESS IN ANY PROCEEDING REGARDING THE
19 ENFORCEMENT OR INTERPRETATION OF THE COMPACT OR
20 COMMISSION RULE AND SHALL HAVE STANDING TO
21 INTERVENE IN SUCH A PROCEEDING FOR ALL PURPOSES.
22 FAILURE TO PROVIDE THE COMMISSION SERVICE OF PROCESS
23 SHALL RENDER A JUDGMENT OR ORDER VOID AS TO THE
24 COMMISSION, THIS COMPACT, OR PROMULGATED RULES.

25 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

26 1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING
27 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS

1 OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT
2 OR THE PROMULGATED RULES, THE COMMISSION SHALL
3 PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE. THE
4 NOTICE OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE
5 PROPOSED MEANS OF CURING THE DEFAULT, AND ANY
6 OTHER ACTION THAT THE COMMISSION MAY TAKE, AND
7 SHALL OFFER TRAINING AND SPECIFIC TECHNICAL
8 ASSISTANCE REGARDING THE DEFAULT.

9 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF
10 DEFAULT TO THE OTHER PARTICIPATING STATES.

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

20 D. TERMINATION OF PARTICIPATION IN THE COMPACT SHALL BE
21 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING
22 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO
23 SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO
24 THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE
25 DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S
26 STATE LICENSING AUTHORITY OR AUTHORITIES, AS APPLICABLE,
27 AND EACH OF THE PARTICIPATING STATES' STATE LICENSING

1 AUTHORITY OR AUTHORITIES, AS APPLICABLE.

2 E. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
3 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH
4 THE EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS
5 THAT EXTEND BEYOND THE EFFECTIVE DATE OF TERMINATION.

6 F. UPON THE TERMINATION OF A STATE'S PARTICIPATION IN THIS
7 COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO
8 ALL LICENSEES OF THE STATE, INCLUDING LICENSEES OF OTHER
9 PARTICIPATING STATES ISSUED A COMPACT PRIVILEGE TO
10 PRACTICE WITHIN THAT STATE, OF SUCH TERMINATION. THE
11 TERMINATED STATE SHALL CONTINUE TO RECOGNIZE ALL
12 COMPACT PRIVILEGES THEN IN EFFECT IN THAT STATE FOR A
13 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE DATE
14 OF SAID NOTICE OF TERMINATION.

15 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
16 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN
17 TERMINATED FROM THE COMPACT, UNLESS AGREED UPON IN
18 WRITING BETWEEN THE COMMISSION AND THE DEFAULTING STATE.

19 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
20 COMMISSION BY PETITIONING THE U.S. DISTRICT COURT FOR THE
21 DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
22 COMMISSION HAS ITS PRINCIPAL OFFICES. THE PREVAILING PARTY
23 SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING
24 REASONABLE ATTORNEY'S FEES.

25 I. DISPUTE RESOLUTION

26 1. UPON REQUEST BY A PARTICIPATING STATE, THE
27 COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES

1 RELATED TO THE COMPACT THAT ARISE AMONG
2 PARTICIPATING STATES AND BETWEEN PARTICIPATING
3 STATES AND NON-PARTICIPATING STATES.

4 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING
5 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION
6 FOR DISPUTES AS APPROPRIATE.

7 J. ENFORCEMENT

8 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
9 DISCRETION, SHALL ENFORCE THE PROVISIONS OF THIS
10 COMPACT AND THE COMMISSION'S RULES.

11 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
12 ACTION AGAINST A PARTICIPATING STATE IN DEFAULT IN
13 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
14 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
15 COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE
16 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND
17 ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY
18 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE
19 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE
20 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
21 LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.
22 THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE
23 REMEDIES OF THE COMMISSION. THE COMMISSION MAY
24 PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL
25 OR THE DEFAULTING PARTICIPATING STATE'S LAW.

26 3. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION
27 AGAINST THE COMMISSION IN THE U.S. DISTRICT COURT

1 FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT
2 WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO
3 ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE
4 COMPACT AND ITS PROMULGATED RULES. THE RELIEF
5 SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND
6 DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS
7 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED
8 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE
9 ATTORNEY'S FEES.

10 4. NO INDIVIDUAL OR ENTITY OTHER THAN A PARTICIPATING
11 STATE MAY ENFORCE THIS COMPACT AGAINST THE
12 COMMISSION.

13 **SECTION 11.**
14 **EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

15 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH
16 THE COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH
17 PARTICIPATING STATE.

18 1. ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT, THE
19 COMMISSION SHALL CONVENE AND REVIEW THE
20 ENACTMENT OF EACH OF THE STATES THAT ENACTED THE
21 COMPACT PRIOR TO THE COMMISSION CONVENING
22 ("CHARTER PARTICIPATING STATES") TO DETERMINE IF THE
23 STATUTE ENACTED BY EACH SUCH CHARTER PARTICIPATING
24 STATE IS MATERIALLY DIFFERENT THAN THE MODEL
25 COMPACT.

26 a. A CHARTER PARTICIPATING STATE WHOSE
27 ENACTMENT IS FOUND TO BE MATERIALLY

1 DIFFERENT FROM THE MODEL COMPACT SHALL BE
2 ENTITLED TO THE DEFAULT PROCESS SET FORTH IN
3 SECTION 10.

4 b. IF ANY PARTICIPATING STATE IS LATER FOUND TO BE
5 IN DEFAULT, OR IS TERMINATED OR WITHDRAWS
6 FROM THE COMPACT, THE COMMISSION SHALL
7 REMAIN IN EXISTENCE AND THE COMPACT SHALL
8 REMAIN IN EFFECT EVEN IF THE NUMBER OF
9 PARTICIPATING STATES SHOULD BE LESS THAN
10 SEVEN (7).

11 2. PARTICIPATING STATES ENACTING THE COMPACT
12 SUBSEQUENT TO THE CHARTER PARTICIPATING STATES
13 SHALL BE SUBJECT TO THE PROCESS SET FORTH IN SECTION
14 7.C.23 TO DETERMINE IF THEIR ENACTMENTS ARE
15 MATERIALLY DIFFERENT FROM THE MODEL COMPACT AND
16 WHETHER THEY QUALIFY FOR PARTICIPATION IN THE
17 COMPACT.

18 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION
19 OR IN FURTHERANCE OF THE PURPOSES OF THE
20 ADMINISTRATION OF THE COMPACT PRIOR TO THE
21 EFFECTIVE DATE OF THE COMPACT OR THE COMMISSION
22 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE
23 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
24 REPUDIATED BY THE COMMISSION.

25 4. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE
26 COMMISSION'S INITIAL ADOPTION OF THE RULES AND
27 BYLAWS SHALL BE SUBJECT TO THE COMMISSION'S RULES

1 AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THE
2 COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT
3 HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION
4 SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE
5 DAY THE COMPACT BECOMES LAW IN THAT STATE.

6 B. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT
7 BY ENACTING A STATUTE REPEALING THAT STATE'S ENACTMENT OF
8 THE COMPACT.

9 1. A PARTICIPATING STATE'S WITHDRAWAL SHALL NOT TAKE
10 EFFECT UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER
11 ENACTMENT OF THE REPEALING STATUTE.

12 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING
13 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING
14 AUTHORITY OR AUTHORITIES TO COMPLY WITH THE
15 INVESTIGATIVE AND ADVERSE ACTION REPORTING
16 REQUIREMENTS OF THIS COMPACT PRIOR TO THE EFFECTIVE
17 DATE OF WITHDRAWAL.

18 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM
19 THIS COMPACT, THE STATE SHALL IMMEDIATELY PROVIDE
20 NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES WITHIN
21 THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT
22 STATUTORY ENACTMENT TO THE CONTRARY, SUCH
23 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL
24 COMPACT PRIVILEGES TO PRACTICE WITHIN THAT STATE
25 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF
26 ONE HUNDRED EIGHTY (180) DAYS AFTER THE DATE OF
27 SUCH NOTICE OF WITHDRAWAL.

1 C. NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO
2 INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER
3 COOPERATIVE ARRANGEMENT BETWEEN A PARTICIPATING STATE
4 AND A NON-PARTICIPATING STATE THAT DOES NOT CONFLICT WITH
5 THE PROVISIONS OF THIS COMPACT.

6 D. THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES.
7 NO AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND
8 BINDING UPON ANY PARTICIPATING STATE UNTIL IT IS ENACTED
9 INTO THE LAWS OF ALL PARTICIPATING STATES.

10 **SECTION 12. CONSTRUCTION AND SEVERABILITY**

11 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY
12 SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
13 PURPOSES AND THE IMPLEMENTATION AND ADMINISTRATION OF
14 THE COMPACT. PROVISIONS OF THE COMPACT EXPRESSLY
15 AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL
16 NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING
17 AUTHORITY SOLELY FOR THOSE PURPOSES.

18 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF
19 ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT
20 IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE
21 CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE,
22 A STATE SEEKING PARTICIPATION IN THE COMPACT, OR OF THE
23 UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY
24 GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE
25 UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE
26 VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE
27 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,

1 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.
2 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE
3 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
4 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
5 SECTION 10.B, TERMINATE A PARTICIPATING STATE'S
6 PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT A
7 CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS A
8 MATERIAL DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS
9 COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION
10 OF ANY PARTICIPATING STATE, THE COMPACT SHALL REMAIN IN
11 FULL FORCE AND EFFECT AS TO THE REMAINING PARTICIPATING
12 STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTICIPATING
13 STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

14 **SECTION 13.**
15 **CONSISTENT EFFECT AND CONFLICT**
16 **WITH OTHER STATE LAWS**

- 17 A. NOTHING HEREIN SHALL PREVENT OR INHIBIT THE ENFORCEMENT
18 OF ANY OTHER LAW OF A PARTICIPATING STATE THAT IS NOT
19 INCONSISTENT WITH THE COMPACT.
- 20 B. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL
21 REQUIREMENTS IN A PARTICIPATING STATE IN CONFLICT WITH THE
22 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.
- 23 C. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND
24 THE PARTICIPATING STATES ARE BINDING IN ACCORDANCE WITH
25 THEIR TERMS.

26 **24-60-4502. Construction of terms.** (1) AS USED IN THIS PART
27 45, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1 (a) "LICENSEE" MEANS, WITH RESPECT TO A COLORADO LICENSEE,
2 AS APPLICABLE:

3 (I) A DENTIST HOLDING AN UNRESTRICTED LICENSE ISSUED BY THE
4 COLORADO DENTAL BOARD CREATED IN SECTION 12-220-105, OR A
5 SUCCESSOR BOARD AUTHORIZED TO LICENSE DENTISTS IN COLORADO; OR

6 (II) A DENTAL HYGIENIST HOLDING AN UNRESTRICTED LICENSE
7 ISSUED BY THE COLORADO DENTAL BOARD CREATED IN SECTION
8 12-220-105, OR A SUCCESSOR BOARD AUTHORIZED TO LICENSE DENTAL
9 HYGIENISTS IN COLORADO.

10 (b) "STATE LICENSING AUTHORITY" MEANS, WITH RESPECT TO
11 COLORADO, THE COLORADO DENTAL BOARD CREATED IN SECTION
12 12-220-105, OR A SUCCESSOR BOARD AUTHORIZED TO LICENSE DENTISTS
13 OR DENTAL HYGIENISTS, AS APPLICABLE, IN COLORADO.

14 **24-60-4503. Notice to revisor of statutes - effective date of**
15 **compact.** THIS PART 45 WILL TAKE EFFECT ON THE DATE THE COMPACT IS
16 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF
17 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
18 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN
19 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED
20 BY E-MAILING THE NOTICE TO THE REVISOROFSTATUTES.GA@COLEG.GOV.
21 THIS PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE
22 THAT THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT
23 STATE OR IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE
24 OF THE NOTICE TO THE REVISOR OF STATUTES.

25 **SECTION 2.** In Colorado Revised Statutes, **add** 12-220-109 as
26 follows:

27 **12-220-109. Interstate compact for dentists and dental**

1 **hygienists - powers and duties - rules - definitions.** (1) AS USED IN THIS
2 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

3 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION
4 2 OF SECTION 24-60-4501.

5 (b) "COMMISSION" MEANS THE DENTIST AND DENTAL HYGIENIST
6 COMPACT COMMISSION ESTABLISHED IN SECTION 7 OF SECTION
7 24-60-4501.

8 (c) "COMPACT" MEANS THE DENTAL AND DENTAL HYGIENIST
9 COMPACT AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

10 (d) "COMPACT PRIVILEGE" HAS THE MEANING SET FORTH IN
11 SECTION 2 OF SECTION 24-60-4501.

12 (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION 2 OF
13 SECTION 24-60-4501.

14 (f) "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED
15 THE COMPACT.

16 (g) "SIGNIFICANT INVESTIGATIVE INFORMATION" HAS THE
17 MEANING SET FORTH IN SECTION 2 OF SECTION 24-60-4501.

18 (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE
19 COMPACT FOR PARTICIPATING STATES, THE BOARD HAS THE FOLLOWING
20 POWERS AND DUTIES WITH REGARD TO THE COMPACT:

21 (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

22 (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

23 (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF
24 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,
25 AND ENFORCEMENT OF THE COMPACT;

26 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND
27 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS

1 OF THE COMPACT;

2 (e) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS
3 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR
4 THE AVAILABILITY OF SIGNIFICANT INVESTIGATIVE INFORMATION
5 REGARDING A DENTIST OR DENTAL HYGIENIST;

6 (f) TO REQUIRE AN APPLICANT FOR A COMPACT PRIVILEGE TO
7 PRACTICE TO HAVE THE APPLICANT'S FINGERPRINTS TAKEN BY A LOCAL
8 LAW ENFORCEMENT AGENCY OR ANY THIRD PARTY APPROVED BY THE
9 COLORADO BUREAU OF INVESTIGATION FOR THE PURPOSE OF OBTAINING
10 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK. THE APPLICANT
11 IS REQUIRED TO SUBMIT PAYMENT FOR THE FINGERPRINTS AND FOR THE
12 ACTUAL COSTS OF THE RECORD CHECK AT THE TIME THE FINGERPRINTS
13 ARE SUBMITTED TO THE COLORADO BUREAU OF INVESTIGATION. UPON
14 RECEIPT OF THE FINGERPRINTS AND RECEIPT OF THE PAYMENT FOR COSTS,
15 THE COLORADO BUREAU OF INVESTIGATION SHALL CONDUCT A STATE AND
16 NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
17 UTILIZING RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND
18 THE FEDERAL BUREAU OF INVESTIGATION AND SHALL FORWARD THE
19 RESULTS OF THE RECORD CHECK TO THE BOARD. THE BOARD SHALL USE
20 THE INFORMATION RESULTING FROM THE RECORD CHECK TO INVESTIGATE
21 AND DETERMINE WHETHER AN APPLICANT IS QUALIFIED TO HOLD A
22 COMPACT PRIVILEGE TO PRACTICE PURSUANT TO THE COMPACT. THE
23 BOARD MAY VERIFY THE INFORMATION AN APPLICANT IS REQUIRED TO
24 SUBMIT. THE RESULTS OF THE RECORD CHECK ARE CONFIDENTIAL. THE
25 BOARD SHALL NOT RELEASE THE RESULTS OF THE RECORD CHECK TO THE
26 PUBLIC, THE COMMISSION, A PARTICIPATING STATE, OR OTHER STATE
27 LICENSING BOARDS.

1 (g) TO GRANT THE PRIVILEGE TO PRACTICE TO A LICENSEE OF A
2 PARTICIPATING STATE OF THE COMPACT IN ACCORDANCE WITH THE TERMS
3 OF THE COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR A
4 COMPACT PRIVILEGE TO PRACTICE;

5 (h) TOPARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
6 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

7 (i) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
8 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
9 COMMISSION AND ITS STAFF.

10 **SECTION 3. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly; except
13 that, if a referendum petition is filed pursuant to section 1 (3) of article V
14 of the state constitution against this act or an item, section, or part of this
15 act within such period, then the act, item, section, or part will not take
16 effect unless approved by the people at the general election to be held in
17 November 2024 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.