

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Finance
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ADOPTION OF THE DENTIST AND DENTAL HYGIENIST**
102 **COMPACT, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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

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.*

participating state (remote state) for a privilege to practice dentistry or 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

1 60 of title 24 as follows:

2 PART 45

3 DENTIST AND DENTAL HYGIENIST COMPACT

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

9 SECTION 1. TITLE AND PURPOSE

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

26 A. ENABLES DENTISTS AND DENTAL HYGIENISTS WHO
27 QUALIFY FOR A COMPACT PRIVILEGE TO PRACTICE IN OTHER

- 1 PARTICIPATING STATES WITHOUT SATISFYING BURDENSOME
2 AND DUPLICATIVE REQUIREMENTS ASSOCIATED WITH
3 SECURING A LICENSE TO PRACTICE IN THOSE STATES;
- 4 B. PROMOTES MOBILITY AND ADDRESSES WORKFORCE
5 SHORTAGES THROUGH EACH PARTICIPATING STATE'S
6 ACCEPTANCE OF A COMPACT PRIVILEGE TO PRACTICE IN
7 THAT STATE;
- 8 C. INCREASES PUBLIC ACCESS TO QUALIFIED, LICENSED
9 DENTISTS AND DENTAL HYGIENISTS BY CREATING A
10 RESPONSIBLE, STREAMLINED PATHWAY FOR LICENSEES TO
11 PRACTICE IN PARTICIPATING STATES;
- 12 D. ENHANCES THE ABILITY OF PARTICIPATING STATES TO
13 PROTECT THE PUBLIC'S HEALTH AND SAFETY;
- 14 E. DOES NOT INTERFERE WITH LICENSURE REQUIREMENTS
15 ESTABLISHED BY A PARTICIPATING STATE;
- 16 F. FACILITATES THE SHARING OF LICENSURE AND
17 DISCIPLINARY INFORMATION AMONG PARTICIPATING
18 STATES;
- 19 G. REQUIRES DENTISTS AND DENTAL HYGIENISTS WHO
20 PRACTICE IN A PARTICIPATING STATE PURSUANT TO A
21 COMPACT PRIVILEGE TO PRACTICE WITHIN THE SCOPE OF
22 PRACTICE AUTHORIZED IN THAT STATE;
- 23 H. EXTENDS THE AUTHORITY OF A PARTICIPATING STATE TO
24 REGULATE THE PRACTICE OF DENTISTRY AND DENTAL
25 HYGIENE WITHIN ITS BORDERS TO DENTISTS AND DENTAL
26 HYGIENISTS WHO PRACTICE IN THE STATE THROUGH A
27 COMPACT PRIVILEGE;

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

7 **SECTION 2. DEFINITIONS**

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

- 10 A. **"ACTIVE MILITARY MEMBER"** MEANS ANY PERSON WITH
11 FULL-TIME DUTY STATUS IN THE ARMED FORCES OF THE
12 UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL
13 GUARD AND RESERVE.
14 B. **"ADVERSE ACTION"** MEANS DISCIPLINARY ACTION OR
15 ENCUMBRANCE IMPOSED ON A LICENSE OR COMPACT
16 PRIVILEGE BY A STATE LICENSING AUTHORITY.
17 C. **"ALTERNATIVE PROGRAM"** MEANS A NON-DISCIPLINARY
18 MONITORING OR PRACTICE REMEDIATION PROCESS
19 APPLICABLE TO A DENTIST OR DENTAL HYGIENIST
20 APPROVED BY A STATE LICENSING AUTHORITY OF A
21 PARTICIPATING STATE IN WHICH THE DENTIST OR DENTAL
22 HYGIENIST IS LICENSED. THIS INCLUDES, BUT IS NOT
23 LIMITED TO, PROGRAMS TO WHICH LICENSEES WITH
24 SUBSTANCE ABUSE OR ADDICTION ISSUES ARE REFERRED IN
25 LIEU OF ADVERSE ACTION.
26 D. **"CLINICAL ASSESSMENT"** MEANS AN EXAMINATION OR
27 PROCESS, REQUIRED FOR LICENSURE AS A DENTIST OR

1 DENTAL HYGIENIST, AS APPLICABLE, THAT PROVIDES
2 EVIDENCE OF CLINICAL COMPETENCE IN DENTISTRY OR
3 DENTAL HYGIENE.

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

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

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

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

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

26 J. **"DATA SYSTEM"** MEANS THE COMMISSION'S REPOSITORY
27 OF INFORMATION ABOUT LICENSEES, INCLUDING BUT NOT

1 LIMITED TO EXAMINATION, LICENSURE, INVESTIGATIVE,
2 COMPACT PRIVILEGE, ADVERSE ACTION, AND
3 ALTERNATIVE PROGRAM.

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

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

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

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

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

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

27 Q. **"LICENSE"** MEANS CURRENT AUTHORIZATION BY A STATE,

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

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

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

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

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

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

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

26 X. **"SCOPE OF PRACTICE"** MEANS THE PROCEDURES, ACTIONS,
27 AND PROCESSES A DENTIST OR DENTAL HYGIENIST

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

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

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

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

1 **SECTION 3.**

2 **STATE PARTICIPATION IN THE COMPACT**

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

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

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

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

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

18 11. HAVE CONTINUING PROFESSIONAL DEVELOPMENT
19 REQUIREMENTS AS A CONDITION FOR LICENSE RENEWAL;
20 AND

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

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

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

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

18 **SECTION 4. COMPACT PRIVILEGE**

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

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

1 COMPACT PRIVILEGE AND, OTHERWISE, WITHIN THIRTY (30)
2 DAYS FROM THE DATE THE ADVERSE ACTION IS TAKEN;

3 11. REPORT TO THE COMMISSION WHEN APPLYING FOR A
4 COMPACT PRIVILEGE THE ADDRESS OF THE LICENSEE'S
5 PRIMARY RESIDENCE AND THEREAFTER IMMEDIATELY
6 REPORT TO THE COMMISSION ANY CHANGE IN THE ADDRESS
7 OF THE LICENSEE'S PRIMARY RESIDENCE; AND

8 12. CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE
9 LICENSEE'S PRIMARY RESIDENCE ON RECORD WITH THE
10 COMMISSION WITH RESPECT TO ANY ACTION BROUGHT
11 AGAINST THE LICENSEE BY THE COMMISSION OR A
12 PARTICIPATING STATE AND CONSENT TO ACCEPT SERVICE
13 OF A SUBPOENA BY MAIL AT THE LICENSEE'S PRIMARY
14 RESIDENCE ON RECORD WITH THE COMMISSION WITH
15 RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION
16 CONDUCTED BY THE COMMISSION OR A PARTICIPATING
17 STATE.

18 B. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF
19 SUBSECTION A OF THIS SECTION TO MAINTAIN THE COMPACT
20 PRIVILEGE IN THE REMOTE STATE. IF THOSE REQUIREMENTS ARE
21 MET, THE COMPACT PRIVILEGE WILL CONTINUE AS LONG AS THE
22 LICENSEE MAINTAINS A QUALIFYING LICENSE IN THE STATE
23 THROUGH WHICH THE LICENSEE APPLIED FOR THE COMPACT
24 PRIVILEGE AND PAYS ANY APPLICABLE COMPACT PRIVILEGE
25 RENEWAL FEES.

26 C. A LICENSEE PROVIDING DENTISTRY OR DENTAL HYGIENE IN A
27 REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION

1 WITHIN THE SCOPE OF PRACTICE AUTHORIZED BY THE REMOTE
2 STATE FOR A DENTIST OR DENTAL HYGIENIST LICENSED IN THAT
3 STATE.

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

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

26 F. ONCE AN ENCUMBERED LICENSE IN A PARTICIPATING STATE IS
27 RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE

1 REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO OBTAIN A
2 COMPACT PRIVILEGE IN A REMOTE STATE.

3 G. IF A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE STATE IS
4 REMOVED BY THE REMOTE STATE, THE INDIVIDUAL SHALL LOSE OR
5 BE INELIGIBLE FOR THE COMPACT PRIVILEGE IN ANY REMOTE
6 STATE UNTIL THE FOLLOWING OCCUR:

7 1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT
8 PRIVILEGE WAS REMOVED HAS ENDED; AND

9 2. ALL CONDITIONS FOR REMOVAL OF THE COMPACT
10 PRIVILEGE HAVE BEEN SATISFIED.

11 H. ONCE THE REQUIREMENTS OF SUBSECTION G OF THIS SECTION
12 HAVE BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN
13 SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE
14 IN A REMOTE STATE.

15 **SECTION 5.**

16 **ACTIVE MILITARY MEMBERS OR THEIR SPOUSES**

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

23 **SECTION 6. ADVERSE ACTIONS**

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

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

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

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

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

1 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF
2 WITNESSES AND THE PRODUCTION OF EVIDENCE.
3 SUBPOENAS ISSUED BY A STATE LICENSING AUTHORITY IN
4 A PARTICIPATING STATE FOR THE ATTENDANCE AND
5 TESTIMONY OF WITNESSES, OR THE PRODUCTION OF
6 EVIDENCE FROM ANOTHER PARTICIPATING STATE, SHALL BE
7 ENFORCED IN THE LATTER STATE BY ANY COURT OF
8 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE
9 AND PROCEDURE OF THAT COURT APPLICABLE TO
10 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
11 THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,
12 TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY
13 THE SERVICE STATUTES OF THE STATE WHERE THE
14 WITNESSES OR EVIDENCE IS LOCATED; AND
15 3. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM
16 THE LICENSEE THE COSTS OF INVESTIGATIONS AND
17 DISPOSITION OF CASES RESULTING FROM ANY ADVERSE
18 ACTION TAKEN AGAINST THAT LICENSEE.

19 F. JOINT INVESTIGATIONS

- 20 1. IN ADDITION TO THE AUTHORITY GRANTED TO A
21 PARTICIPATING STATE BY ITS DENTIST OR DENTAL
22 HYGIENIST LICENSURE ACT OR OTHER APPLICABLE STATE
23 LAW, A PARTICIPATING STATE MAY JOINTLY INVESTIGATE
24 LICENSEES WITH OTHER PARTICIPATING STATES.
25 2. PARTICIPATING STATES SHALL SHARE ANY SIGNIFICANT
26 INVESTIGATIVE INFORMATION, LITIGATION, OR COMPLIANCE
27 MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL

1 INVESTIGATION INITIATED UNDER THE COMPACT.

2 G. AUTHORITY TO CONTINUE INVESTIGATION

3 1. AFTER A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE
4 STATE IS TERMINATED, THE REMOTE STATE MAY CONTINUE
5 AN INVESTIGATION OF THE LICENSEE THAT BEGAN WHEN
6 THE LICENSEE HAD A COMPACT PRIVILEGE IN THAT REMOTE
7 STATE.

8 2. IF THE INVESTIGATION YIELDS WHAT WOULD BE
9 SIGNIFICANT INVESTIGATIVE INFORMATION HAD THE
10 LICENSEE CONTINUED TO HAVE A COMPACT PRIVILEGE IN
11 THAT REMOTE STATE, THE REMOTE STATE SHALL REPORT
12 THE PRESENCE OF SUCH INFORMATION TO THE DATA
13 SYSTEM AS REQUIRED BY SECTION 8.B.6 AS IF IT WAS
14 SIGNIFICANT INVESTIGATIVE INFORMATION.

15 **SECTION 7.**

16 **ESTABLISHMENT AND OPERATION OF THE COMMISSION**

17 A. THE COMPACT PARTICIPATING STATES HEREBY CREATE AND
18 ESTABLISH A JOINT GOVERNMENT AGENCY WHOSE MEMBERSHIP
19 CONSISTS OF ALL PARTICIPATING STATES THAT HAVE ENACTED THE
20 COMPACT. THE COMMISSION IS AN INSTRUMENTALITY OF THE
21 PARTICIPATING STATES ACTING JOINTLY AND NOT AN
22 INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL
23 COME INTO EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THE
24 COMPACT AS SET FORTH IN SECTION 11.A.

25 B. PARTICIPATION, VOTING, AND MEETINGS

26 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED
27 TO ONE (1) COMMISSIONER SELECTED BY THAT

1 PARTICIPATING STATE'S STATE LICENSING AUTHORITY OR,
2 IF THE STATE HAS MORE THAN ONE STATE LICENSING
3 AUTHORITY, SELECTED COLLECTIVELY BY THE STATE
4 LICENSING AUTHORITIES.

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

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

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

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

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

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

25 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

26 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;

27 2. ESTABLISH A CODE OF CONDUCT AND CONFLICT OF

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

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

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

24 D. MEETINGS OF THE COMMISSION

- 25 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
- 26 PURSUANT TO THIS SUBSECTION D SHALL BE OPEN TO THE
- 27 PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL BE POSTED ON

1 THE COMMISSION'S WEBSITE AT LEAST THIRTY (30) DAYS
2 PRIOR TO THE PUBLIC MEETING.

3 2. NOTWITHSTANDING SUBSECTION D.1 OF THIS SECTION, THE
4 COMMISSION MAY CONVENE AN EMERGENCY PUBLIC
5 MEETING BY PROVIDING AT LEAST TWENTY-FOUR (24)
6 HOURS' PRIOR NOTICE ON THE COMMISSION'S WEBSITE AND
7 BY ANY OTHER MEANS AS PROVIDED IN THE COMMISSION'S
8 RULES FOR ANY OF THE REASONS IT MAY DISPENSE WITH
9 NOTICE OF PROPOSED RULEMAKING UNDER SECTION 9.L.
10 THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT
11 ONE OF THE REASONS JUSTIFYING AN EMERGENCY PUBLIC
12 MEETING HAS BEEN MET.

13 3. NOTICE OF ALL COMMISSION MEETINGS SHALL PROVIDE THE
14 TIME, DATE, AND LOCATION OF THE MEETING, AND IF THE
15 MEETING IS TO BE HELD OR ACCESSIBLE VIA
16 TELECOMMUNICATION, VIDEO CONFERENCE, OR OTHER
17 ELECTRONIC MEANS, THE NOTICE SHALL INCLUDE THE
18 MECHANISM FOR ACCESS TO THE MEETING THROUGH SUCH
19 MEANS.

20 4. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC
21 MEETING FOR THE COMMISSION TO RECEIVE LEGAL ADVICE
22 OR TO DISCUSS:

- 23 a. NON-COMPLIANCE OF A PARTICIPATING STATE WITH
24 ITS OBLIGATIONS UNDER THE COMPACT;
- 25 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR
26 OTHER MATTERS, PRACTICES OR PROCEDURES
27 RELATED TO SPECIFIC EMPLOYEES OR OTHER

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

- 1 k. LEGAL ADVICE;
- 2 l. MATTERS SPECIFICALLY EXEMPTED FROM
- 3 DISCLOSURE TO THE PUBLIC BY FEDERAL OR
- 4 PARTICIPATING STATE LAW; AND
- 5 m. OTHER MATTERS AS PROMULGATED BY THE
- 6 COMMISSION BY RULE.

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

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

23 E. FINANCING OF THE COMMISSION

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

27 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE

1 SOURCES OF REVENUE, DONATIONS, AND GRANTS OF
2 MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.

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

16 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY
17 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET
18 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE
19 CREDIT OF ANY PARTICIPATING STATE, EXCEPT BY AND
20 WITH THE AUTHORITY OF THE PARTICIPATING STATE.

21 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND
23 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO
24 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES
25 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND
26 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION
27 SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A

1 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
2 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN
3 AND BECOME PART OF THE ANNUAL REPORT OF THE
4 COMMISSION.

5 F. THE EXECUTIVE BOARD

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

- 11 a. OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE
12 ADMINISTRATION OF THE COMPACT INCLUDING
13 COMPLIANCE WITH THE PROVISIONS OF THE
14 COMPACT, THE COMMISSION'S RULES, AND BYLAWS;
- 15 b. RECOMMENDING TO THE COMMISSION CHANGES TO
16 THE RULES OR BYLAWS, CHANGES TO THIS COMPACT
17 LEGISLATION, FEES CHARGED TO COMPACT
18 PARTICIPATING STATES, FEES CHARGED TO
19 LICENSEES, AND OTHER FEES;
- 20 c. ENSURING COMPACT ADMINISTRATION SERVICES
21 ARE APPROPRIATELY PROVIDED, INCLUDING BY
22 CONTRACT;
- 23 d. PREPARING AND RECOMMENDING THE BUDGET;
- 24 e. MAINTAINING FINANCIAL RECORDS ON BEHALF OF
25 THE COMMISSION;
- 26 f. MONITORING COMPACT COMPLIANCE OF
27 PARTICIPATING STATES AND PROVIDING

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

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

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

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

- 16 a. MEET AN IMMINENT THREAT TO PUBLIC HEALTH,
17 SAFETY, OR WELFARE;
- 18 b. PREVENT A LOSS OF COMMISSION OR PARTICIPATING
19 STATE FUNDS; OR
- 20 c. PROTECT PUBLIC HEALTH AND SAFETY.

21 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

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

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

14 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
15 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF
16 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE
17 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
18 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
19 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
20 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON
21 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE
22 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
23 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;
24 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO
25 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN
26 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,
27 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION

1 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR
2 WILLFUL OR WANTON MISCONDUCT.

3 3. NOTWITHSTANDING SUBSECTION G.1 OF THIS SECTION,
4 SHOULD ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR,
5 EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION BE
6 HELD LIABLE FOR THE AMOUNT OF ANY SETTLEMENT OR
7 JUDGMENT ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
8 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF
9 THAT INDIVIDUAL'S EMPLOYMENT, DUTIES, OR
10 RESPONSIBILITIES FOR THE COMMISSION, OR THAT THE
11 PERSON TO WHOM THAT INDIVIDUAL IS LIABLE HAD A
12 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
13 SCOPE OF THE INDIVIDUAL'S EMPLOYMENT, DUTIES, OR
14 RESPONSIBILITIES FOR THE COMMISSION, THE COMMISSION
15 SHALL INDEMNIFY AND HOLD HARMLESS SUCH INDIVIDUAL,
16 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR
17 OMISSION DID NOT RESULT FROM THE INTENTIONAL OR
18 WILLFUL OR WANTON MISCONDUCT OF THE INDIVIDUAL.

19 4. NOTHING HEREIN SHALL BE CONSTRUED AS A LIMITATION
20 ON THE LIABILITY OF ANY LICENSEE FOR PROFESSIONAL
21 MALPRACTICE OR MISCONDUCT, WHICH SHALL BE
22 GOVERNED SOLELY BY ANY OTHER APPLICABLE STATE
23 LAWS.

24 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO
25 WAIVE OR OTHERWISE ABROGATE A PARTICIPATING STATE'S
26 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE
27 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE

1 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR
2 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR
3 REGULATION.

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

7 **SECTION 8. DATA SYSTEM**

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

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

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

- 1 5. ANY DENIAL OF AN APPLICATION FOR LICENSURE, AND THE
- 2 REASON(S) FOR SUCH DENIAL, EXCLUDING THE REPORTING
- 3 OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE
- 4 PROHIBITED BY LAW;
- 5 6. THE PRESENCE OF SIGNIFICANT INVESTIGATIVE
- 6 INFORMATION; AND
- 7 7. OTHER INFORMATION THAT MAY FACILITATE THE
- 8 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF
- 9 THE PUBLIC, AS DETERMINED BY THE RULES OF THE
- 10 COMMISSION.

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

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

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

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

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

9 **SECTION 9. RULEMAKING**

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

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

27 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS

1 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE
2 RULES ADOPTED THEREUNDER. RULES SHALL BECOME BINDING AS
3 OF THE DATE SPECIFIED BY THE COMMISSION FOR EACH RULE.

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

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

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

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

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

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

1 COMMISSIONERS, TAKE FINAL ACTION ON THE PROPOSED RULE
2 BASED ON THE RULEMAKING RECORD.

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

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

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

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

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

8 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
9 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED
10 RULE FOR PURPOSES OF CORRECTING TYPOGRAPHICAL ERRORS,
11 ERRORS IN FORMAT, ERRORS IN CONSISTENCY, OR GRAMMATICAL
12 ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON
13 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE
14 SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF THIRTY
15 (30) DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED
16 ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
17 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING
18 AND DELIVERED TO THE COMMISSION PRIOR TO THE END OF THE
19 NOTICE PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL
20 TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
21 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE
22 APPROVAL OF THE COMMISSION.

23 N. NO PARTICIPATING STATE'S RULEMAKING REQUIREMENTS SHALL
24 APPLY UNDER THIS COMPACT.

25 **SECTION 10.**
26 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

27 A. OVERSIGHT

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

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

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

26 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

27 1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING

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

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

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

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

1 AND EACH OF THE PARTICIPATING STATES' STATE LICENSING
2 AUTHORITY OR AUTHORITIES, AS APPLICABLE.

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

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

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

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

26 I. DISPUTE RESOLUTION

27 1. UPON REQUEST BY A PARTICIPATING STATE, THE

1 COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES
2 RELATED TO THE COMPACT THAT ARISE AMONG
3 PARTICIPATING STATES AND BETWEEN PARTICIPATING
4 STATES AND NON-PARTICIPATING STATES.

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

8 J. ENFORCEMENT

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

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

27 3. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION

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

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

14 **SECTION 11.**

15 **EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

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

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

27 a. A CHARTER PARTICIPATING STATE WHOSE

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

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

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

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

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

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

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

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

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

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

1 SUCH NOTICE OF WITHDRAWAL.

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

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

11 **SECTION 12. CONSTRUCTION AND SEVERABILITY**

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

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

1 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,
2 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

3 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE
4 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE
5 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF
6 SECTION 10.B, TERMINATE A PARTICIPATING STATE'S
7 PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT A
8 CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS A
9 MATERIAL DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS
10 COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION
11 OF ANY PARTICIPATING STATE, THE COMPACT SHALL REMAIN IN
12 FULL FORCE AND EFFECT AS TO THE REMAINING PARTICIPATING
13 STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTICIPATING
14 STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

15 **SECTION 13.**

16 **CONSISTENT EFFECT AND CONFLICT**

17 **WITH OTHER STATE LAWS**

18 A. NOTHING HEREIN SHALL PREVENT OR INHIBIT THE ENFORCEMENT
19 OF ANY OTHER LAW OF A PARTICIPATING STATE THAT IS NOT
20 INCONSISTENT WITH THE COMPACT.

21 B. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL
22 REQUIREMENTS IN A PARTICIPATING STATE IN CONFLICT WITH THE
23 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

24 C. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND
25 THE PARTICIPATING STATES ARE BINDING IN ACCORDANCE WITH
26 THEIR TERMS.

27 **24-60-4502. Construction of terms. (1) AS USED IN THIS PART**

1 45, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

1 **12-220-109. Interstate compact for dentists and dental**
2 **hygienists - powers and duties - rules - definitions.** (1) AS USED IN THIS

3 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

4 (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION
5 2 OF SECTION 24-60-4501.

6 (b) "COMMISSION" MEANS THE DENTIST AND DENTAL HYGIENIST
7 COMPACT COMMISSION ESTABLISHED IN SECTION 7 OF SECTION
8 24-60-4501.

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

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

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

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

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

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

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

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

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

27 (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND

1 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS
2 OF THE COMPACT;

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

7
8 (f) TO GRANT THE PRIVILEGE TO PRACTICE TO A LICENSEE OF A
9 PARTICIPATING STATE OF THE COMPACT IN ACCORDANCE WITH THE TERMS
10 OF THE COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR A
11 COMPACT PRIVILEGE TO PRACTICE;

12 (g) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH
13 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

14 (h) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE
15 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE
16 COMMISSION AND ITS STAFF.

17 **SECTION 3. Appropriation. (1) For the 2024-25 state fiscal**
18 **year, \$78,750 is appropriated to the department of regulatory agencies for**
19 **use by the division of professions and occupations. This appropriation is**
20 **from the division of professions and occupations cash fund created in**
21 **section 12-20-105 (3), C.R.S. To implement this act, the department may**
22 **use this appropriation as follows:**

23 (a) \$34,440 for personal services, which amount is based on an
24 assumption that the division will require an additional 0.5 FTE;

25 (b) \$9,310 for operating expenses; and

26 (c) \$35,000 for the purchase of information technology services.

27 (2) For the 2024-25 state fiscal year, \$35,000 is appropriated to

1 the office of the governor for use by the office of information technology.
2 This appropriation is from reappropriated funds received from the
3 department of regulatory agencies under subsection (1)(c) of this section.
4 To implement this act, the office may use this appropriation to provide
5 information technology services for the department of regulatory
6 agencies.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2024 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.