

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 40

Senator Roegner

A BILL

To enact sections 4715.271 and 4715.272 of the 1
Revised Code to enter into the Dentist and 2
Dental Hygienist Compact. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4715.271 and 4715.272 of the 4
Revised Code be enacted to read as follows: 5

Sec. 4715.271. The Dentist and Dental Hygienist Compact is 6
hereby ratified, enacted into law, and entered into by the state 7
of Ohio as a party to the compact with any other state that has 8
legally joined the compact as follows: 9

DENTIST AND DENTAL HYGIENIST COMPACT 10

SECTION 1. TITLE AND PURPOSE 11

This statute shall be known and cited as the Dentist and 12
Dental Hygienist Compact. The purposes of this Compact are to 13
facilitate the interstate practice of dentistry and dental 14
hygiene and improve public access to dentistry and dental 15
hygiene services by providing Dentists and Dental Hygienists 16
licensed in a Participating State the ability to practice in 17
Participating States in which they are not licensed. The Compact 18

does this by establishing a pathway for a Dentists and Dental Hygienists licensed in a Participating State to obtain a Compact Privilege that authorizes them to practice in another Participating State in which they are not licensed. The Compact enables Participating States to protect the public health and safety with respect to the practice of such Dentists and Dental Hygienists, through the State's authority to regulate the practice of dentistry and dental hygiene in the State. The Compact: 19
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A. Enables Dentists and Dental Hygienists who qualify for a Compact Privilege to practice in other Participating States without satisfying burdensome and duplicative requirements associated with securing a License to practice in those States; 28
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B. Promotes mobility and addresses workforce shortages through each Participating State's acceptance of a Compact Privilege to practice in that State; 32
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C. Increases public access to qualified, licensed Dentists and Dental Hygienists by creating a responsible, streamlined pathway for Licensees to practice in Participating States. 35
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D. Enhances the ability of Participating States to protect the public's health and safety; 38
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E. Does not interfere with licensure requirements established by a Participating State; 40
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F. Facilitates the sharing of licensure and disciplinary information among Participating States; 42
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G. Requires Dentists and Dental Hygienists who practice in a Participating State pursuant to a Compact Privilege to practice within the Scope of Practice authorized in that State; 44
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H. Extends the authority of a Participating State to regulate the practice of dentistry and dental hygiene within its borders to Dentists and Dental Hygienists who practice in the State through a Compact Privilege; 47
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I. Promotes the cooperation of Participating State in regulating the practice of dentistry and dental hygiene within those States; 51
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J. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene; 54
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SECTION 2. DEFINITIONS 57

As used in this Compact, unless the context requires otherwise, the following definitions shall apply: 58
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A. "Active-Duty Military" means any individual in full-time duty status in the active uniformed service of the United States including members of the National Guard and Reserve. 60
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B. "Adverse Action" means disciplinary action or encumbrance imposed on a License or Compact Privilege by a State Licensing Authority. 63
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C. "Alternative Program" means a non-disciplinary monitoring or practice remediation process applicable to a Dentist or Dental Hygienist approved by a State Licensing Authority of a Participating State in which the Dentist or Dental Hygienist is licensed. This includes, but is not limited to, programs to which Licensees with substance abuse or addiction issues are referred in lieu of Adverse Action. 66
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D. "Clinical Assessment" means examination or process, required for licensure as a Dentist or Dental Hygienist as 73
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applicable, that provides evidence of clinical competence in dentistry or dental hygiene. 75
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E. "Commissioner" means the individual appointed by a Participating State to serve as the member of the Commission for that Participating State. 77
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F. "Compact" means this Dentist and Dental Hygienist Compact. 80
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G. "Compact Privilege" means the authorization granted by a Remote State to allow a Licensee from a Participating State to practice as a Dentist or Dental Hygienist in a Remote State. 82
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H. "Continuing Professional Development" means a requirement, as a condition of License renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work. 85
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I. "Criminal Background Check" means the submission of fingerprints or other biometric-based information for a License applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the State's criminal history record repository as defined in 28 C.F.R. § 20.3(f). 89
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J. "Data System" means the Commission's repository of information about Licensees, including but not limited to examination, licensure, investigative, Compact Privilege, Adverse Action, and Alternative Program. 96
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K. "Dental Hygienist" means an individual who is licensed by a State Licensing Authority to practice dental hygiene. 100
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L. "Dentist" means an individual who is licensed by a 102

<u>State Licensing Authority to practice dentistry.</u>	103
<u>M. "Dentist and Dental Hygienist Compact Commission" or</u>	104
<u>"Commission" means a joint government agency established by this</u>	105
<u>Compact comprised of each State that has enacted the Compact and</u>	106
<u>a national administrative body comprised of a Commissioner from</u>	107
<u>each State that has enacted the Compact.</u>	108
<u>N. "Encumbered License" means a License that a State</u>	109
<u>Licensing Authority has limited in any way other than through an</u>	110
<u>Alternative Program.</u>	111
<u>O. "Executive Board" means the Chair, Vice Chair,</u>	112
<u>Secretary and Treasurer and any other Commissioners as may be</u>	113
<u>determined by Commission Rule or bylaw.</u>	114
<u>P. "Jurisprudence Requirement" means the assessment of an</u>	115
<u>individual's knowledge of the laws and Rules governing the</u>	116
<u>practice of dentistry or dental hygiene, as applicable, in a</u>	117
<u>State.</u>	118
<u>Q. "License" means current authorization by a State, other</u>	119
<u>than authorization pursuant to a Compact Privilege, or other</u>	120
<u>privilege, for an individual to practice as a Dentist or Dental</u>	121
<u>Hygienist in that State.</u>	122
<u>R. "Licensee" means an individual who holds an</u>	123
<u>unrestricted License from a Participating State to practice as a</u>	124
<u>Dentist or Dental Hygienist in that State.</u>	125
<u>S. "Model Compact" the model for the Dentist and Dental</u>	126
<u>Hygienist Compact on file with the Council of State Governments</u>	127
<u>or other entity as designated by the Commission.</u>	128
<u>T. "Participating State" means a State that has enacted</u>	129
<u>the Compact and been admitted to the Commission in accordance</u>	130

<u>with the provisions herein and Commission Rules.</u>	131
U. "Qualifying License" means a License that is not an	132
<u>Encumbered License issued by a Participating State to practice</u>	133
<u>dentistry or dental hygiene.</u>	134
V. "Remote State" means a Participating State where a	135
<u>Licensee who is not licensed as a Dentist or Dental Hygienist is</u>	136
<u>exercising or seeking to exercise the Compact Privilege.</u>	137
W. "Rule" means a regulation promulgated by an entity that	138
<u>has the force of law.</u>	139
X. "Scope of Practice" means the procedures, actions, and	140
<u>processes a Dentist or Dental Hygienist licensed in a State is</u>	141
<u>permitted to undertake in that State and the circumstances under</u>	142
<u>which the Licensee is permitted to undertake those procedures,</u>	143
<u>actions and processes. Such procedures, actions and processes</u>	144
<u>and the circumstances under which they may be undertaken may be</u>	145
<u>established through means, including, but not limited to,</u>	146
<u>statute, regulations, case law, and other processes available to</u>	147
<u>the State Licensing Authority or other government agency.</u>	148
Y. "Significant Investigative Information" means	149
<u>information, records, and documents received or generated by a</u>	150
<u>State Licensing Authority pursuant to an investigation for which</u>	151
<u>a determination has been made that there is probable cause to</u>	152
<u>believe that the Licensee has violated a statute or regulation</u>	153
<u>that is considered more than a minor infraction for which the</u>	154
<u>State Licensing Authority could pursue Adverse Action against</u>	155
<u>the Licensee.</u>	156
Z. "State" means any state, commonwealth, district, or	157
<u>territory of the United States of America that regulates the</u>	158
<u>practices of dentistry and dental hygiene.</u>	159

AA. "State Licensing Authority" means an agency or other entity of a State that is responsible for the licensing and regulation of Dentists or Dental Hygienists. 160
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SECTION 3. STATE PARTICIPATION IN THE COMPACT 163

A. In order to join the Compact and thereafter continue as a Participating State, a State must: 164
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1. Enact a compact that is not materially different from the Model Compact as determined in accordance with Commission Rules; 166
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2. Participate fully in the Commission's Data System; 169

3. Have a mechanism in place for receiving and investigating complaints about its Licensees and License applicants; 170
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4. Notify the Commission, in compliance with the terms of the Compact and Commission Rules, of any Adverse Action or the availability of Significant Investigative Information regarding a Licensee and License applicant; 173
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5. Fully implement a Criminal Background Check requirement, within a time frame established by Commission Rule, by receiving the results of a qualifying Criminal Background Check; 177
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6. Comply with the Commission Rules applicable to a Participating State; 181
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7. Accept the National Board Examinations of the Joint Commission on National Dental Examinations or another examination accepted by Commission Rule as a licensure examination; 183
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<u>8. Accept for licensure that applicants for a Dentist</u>	187
<u>License graduate from a predoctoral dental education program</u>	188
<u>accredited by the Commission on Dental Accreditation or another</u>	189
<u>agency permitted by Commission Rule, leading to the Doctor of</u>	190
<u>Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.)</u>	191
<u>degree;</u>	192
<u>9. Accept for licensure that applicants for a Dental</u>	193
<u>Hygienist License graduate from a dental hygiene education</u>	194
<u>program accredited by the Commission on Dental Accreditation or</u>	195
<u>another agency permitted by Commission Rule;</u>	196
<u>10. Require for licensure that applicants successfully</u>	197
<u>complete a Clinical Assessment;</u>	198
<u>11. Have Continuing Professional Development requirements</u>	199
<u>as a condition for License renewal; and</u>	200
<u>12. Pay a participation fee to the Commission as</u>	201
<u>established by Commission Rule.</u>	202
<u>B. Providing alternative pathways for an individual to</u>	203
<u>obtain an unrestricted License does not disqualify a State from</u>	204
<u>participating in the Compact.</u>	205
<u>C. When conducting a Criminal Background Check the State</u>	206
<u>Licensing Authority shall:</u>	207
<u>1. Consider that information in making a licensure</u>	208
<u>decision;</u>	209
<u>2. Maintain documentation of completion of the Criminal</u>	210
<u>Background Check and background check information to the extent</u>	211
<u>allowed by State and federal law; and</u>	212
<u>3. Report to the Commission whether it has completed the</u>	213
<u>Criminal Background Check and whether the individual was granted</u>	214

or denied a License. 215

D. A Licensee of a Participating State who has a 216
Qualifying License in that State and does not hold an Encumbered 217
License in any other Participating State, shall be issued a 218
Compact Privilege in a Remote State in accordance with the terms 219
of the Compact and Commission Rules. If a Remote State has a 220
Jurisprudence Requirement a Compact Privilege will not be issued 221
to the Licensee unless the Licensee has satisfied the 222
Jurisprudence Requirement. 223

SECTION 4. COMPACT PRIVILEGE 224

A. To obtain and exercise the Compact Privilege under the 225
terms and provisions of the Compact, the Licensee shall: 226

1. Have a Qualifying License as a Dentist or Dental 227
Hygienist in a Participating State; 228

2. Be eligible for a Compact Privilege in any Remote State 229
in accordance with D, G and H of this section; 230

3. Submit to an application process whenever the Licensee 231
is seeking a Compact Privilege; 232

4. Pay any applicable Commission and Remote State fees for 233
a Compact Privilege in the Remote State; 234

5. Meet any Jurisprudence Requirement established by a 235
Remote State in which the Licensee is seeking a Compact 236
Privilege; 237

6. Have passed a National Board Examination of the Joint 238
Commission on National Dental Examinations or another 239
examination accepted by Commission Rule; 240

7. For a Dentist, have graduated from a predoctoral dental 241

<u>education program accredited by the Commission on Dental</u>	242
<u>Accreditation or another agency permitted by Commission Rule,</u>	243
<u>leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of</u>	244
<u>Dental Medicine (D.M.D.) degree;</u>	245
8. <u>For a Dental Hygienist, have graduated from a dental</u>	246
<u>hygiene education program accredited by the Commission on Dental</u>	247
<u>Accreditation or another agency permitted by Commission Rule;</u>	248
9. <u>Have successfully completed a Clinical Assessment for</u>	249
<u>licensure;</u>	250
10. <u>Report to the Commission Adverse Action taken by any</u>	251
<u>non-Participating State when applying for a Compact Privilege</u>	252
<u>and, otherwise, within thirty (30) days from the date the</u>	253
<u>Adverse Action is taken;</u>	254
11. <u>Report to the Commission when applying for a Compact</u>	255
<u>Privilege the address of the Licensee's primary residence and</u>	256
<u>thereafter immediately report to the Commission any change in</u>	257
<u>the address of the Licensee's primary residence; and</u>	258
12. <u>Consent to accept service of process by mail at the</u>	259
<u>Licensee's primary residence on record with the Commission with</u>	260
<u>respect to any action brought against the Licensee by the</u>	261
<u>Commission or a Participating State, and consent to accept</u>	262
<u>service of a subpoena by mail at the Licensee's primary</u>	263
<u>residence on record with the Commission with respect to any</u>	264
<u>action brought or investigation conducted by the Commission or a</u>	265
<u>Participating State.</u>	266
B. <u>The Licensee must comply with the requirements of</u>	267
<u>subsection A of this section to maintain the Compact Privilege</u>	268
<u>in the Remote State. If those requirements are met, the Compact</u>	269
<u>Privilege will continue as long as the Licensee maintains a</u>	270

Qualifying License in the State through which the Licensee 271
applied for the Compact Privilege and pays any applicable 272
Compact Privilege renewal fees. 273

C. A Licensee providing dentistry or dental hygiene in a 274
Remote State under the Compact Privilege shall function within 275
the Scope of Practice authorized by the Remote State for a 276
Dentist or Dental Hygienist licensed in that State. 277

D. A Licensee providing dentistry or dental hygiene 278
pursuant to a Compact Privilege in a Remote State is subject to 279
that State's regulatory authority. A Remote State may, in 280
accordance with due process and that State's laws, by Adverse 281
Action revoke or remove a Licensee's Compact Privilege in the 282
Remote State for a specific period of time and impose fines or 283
take any other necessary actions to protect the health and 284
safety of its citizens. If a Remote State imposes an Adverse 285
Action against a Compact Privilege that limits the Compact 286
Privilege, that Adverse Action applies to all Compact Privileges 287
in all Remote States. A Licensee whose Compact Privilege in a 288
Remote State is removed for a specified period of time is not 289
eligible for a Compact Privilege in any other Remote State until 290
the specific time for removal of the Compact Privilege has 291
passed and all encumbrance requirements are satisfied. 292

E. If a License in a Participating State is an Encumbered 293
License, the Licensee shall lose the Compact Privilege in a 294
Remote State and shall not be eligible for a Compact Privilege 295
in any Remote State until the License is no longer encumbered. 296

F. Once an Encumbered License in a Participating State is 297
restored to good standing, the Licensee must meet the 298
requirements of subsection A of this section to obtain a Compact 299
Privilege in a Remote State. 300

G. If a Licensee's Compact Privilege in a Remote State is removed by the Remote State, the individual shall lose or be ineligible for the Compact Privilege in any Remote State until the following occur: 301
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1. The specific period of time for which the Compact Privilege was removed has ended; and 305
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2. All conditions for removal of the Compact Privilege have been satisfied. 307
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H. Once the requirements of subsection G of this section have been met, the Licensee must meet the requirements in subsection A of this section to obtain a Compact Privilege in a Remote State. 309
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SECTION 5. ACTIVE-DUTY MILITARY PERSONNEL OR THEIR SPOUSES 313

An Active-Duty Military individual and their spouse shall not be required to pay to the Commission for a Compact Privilege the fee otherwise charged by the Commission. If a Remote State chooses to charge a fee for a Compact Privilege, it may choose to charge a reduced fee or no fee to an Active-Duty Military individual and their spouse for a Compact Privilege. 314
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SECTION 6. ADVERSE ACTIONS 320

A. A Participating State in which a Licensee is licensed shall have exclusive authority to impose Adverse Action against the Qualifying License issued by that Participating State. 321
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B. A Participating State may take Adverse Action based on the Significant Investigative Information of a Remote State, so long as the Participating State follows its own procedures for imposing Adverse Action. 324
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C. Nothing in this Compact shall override a Participating 328

State's decision that participation in an Alternative Program 329
may be used in lieu of Adverse Action and that such 330
participation shall remain non-public if required by the 331
Participating State's laws. Participating States must require 332
Licensees who enter any Alternative Program in lieu of 333
discipline to agree not to practice pursuant to a Compact 334
Privilege in any other Participating State during the term of 335
the Alternative Program without prior authorization from such 336
other Participating State. 337

D. Any Participating State in which a Licensee is applying 338
to practice or is practicing pursuant to a Compact Privilege may 339
investigate actual or alleged violations of the statutes and 340
regulations authorizing the practice of dentistry or dental 341
hygiene in any other Participating State in which the Dentist or 342
Dental Hygienist holds a License or Compact Privilege. 343

E. A Remote State shall have the authority to: 344

1. Take Adverse Actions as set forth in Section 4.D 345
against a Licensee's Compact Privilege in the State; 346

2. In furtherance of its rights and responsibilities under 347
the Compact and the Commission's Rules issue subpoenas for both 348
hearings and investigations that require the attendance and 349
testimony of witnesses, and the production of evidence. 350
Subpoenas issued by a State Licensing Authority in a 351
Participating State for the attendance and testimony of 352
witnesses, or the production of evidence from another 353
Participating State, shall be enforced in the latter State by 354
any court of competent jurisdiction, according to the practice 355
and procedure of that court applicable to subpoenas issued in 356
proceedings pending before it. The issuing authority shall pay 357
any witness fees, travel expenses, mileage, and other fees 358

required by the service statutes of the State where the 359
witnesses or evidence are located; and 360

3. If otherwise permitted by State law, recover from the 361
Licensee the costs of investigations and disposition of cases 362
resulting from any Adverse Action taken against that Licensee. 363

F. Joint Investigations 364

1. In addition to the authority granted to a Participating 365
State by its Dentist or Dental Hygienist licensure act or other 366
applicable State law, a Participating State may jointly 367
investigate Licensees with other Participating States. 368

2. Participating States shall share any Significant 369
Investigative Information, litigation, or compliance materials 370
in furtherance of any joint or individual investigation 371
initiated under the Compact. 372

G. Authority to Continue Investigation 373

1. After a Licensee's Compact Privilege in a Remote State 374
is terminated, the Remote State may continue an investigation of 375
the Licensee that began when the Licensee had a Compact 376
Privilege in that Remote State. 377

2. If the investigation yields what would be Significant 378
Investigative Information had the Licensee continued to have a 379
Compact Privilege in that Remote State, the Remote State shall 380
report the presence of such information to the Data System as 381
required by Section 8.B.6 as if it was Significant Investigative 382
Information. 383

SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION. 384

A. The Compact Participating States hereby create and 385
establish a joint government agency whose membership consists of 386

all Participating States that have enacted the Compact. The 387
Commission is an instrumentality of the Participating States 388
acting jointly and not an instrumentality of any one State. The 389
Commission shall come into existence on or after the effective 390
date of the Compact as set forth in Section 11A. 391

B. Participation, Voting, and Meetings 392

1. Each Participating State shall have and be limited to 393
one (1) Commissioner selected by that Participating State's 394
State Licensing Authority or, if the State has more than one 395
State Licensing Authority, selected collectively by the State 396
Licensing Authorities. 397

2. The Commissioner shall be a member or designee of such 398
Authority or Authorities. 399

3. The Commission may by Rule or bylaw establish a term of 400
office for Commissioners and may by Rule or bylaw establish term 401
limits. 402

4. The Commission may recommend to a State Licensing 403
Authority or Authorities, as applicable, removal or suspension 404
of an individual as the State's Commissioner. 405

5. A Participating State's State Licensing Authority, or 406
Authorities, as applicable, shall fill any vacancy of its 407
Commissioner on the Commission within sixty (60) days of the 408
vacancy. 409

6. Each Commissioner shall be entitled to one vote on all 410
matters that are voted upon by the Commission. 411

7. The Commission shall meet at least once during each 412
calendar year. Additional meetings may be held as set forth in 413
the bylaws. The Commission may meet by telecommunication, video 414

<u>conference or other similar electronic means.</u>	415
<u>C. The Commission shall have the following powers:</u>	416
<u>1. Establish the fiscal year of the Commission;</u>	417
<u>2. Establish a code of conduct and conflict of interest policies;</u>	418 419
<u>3. Adopt Rules and bylaws;</u>	420
<u>4. Maintain its financial records in accordance with the bylaws;</u>	421 422
<u>5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;</u>	423 424 425
<u>6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;</u>	426 427 428 429
<u>7. Maintain and certify records and information provided to a Participating State as the authenticated business records of the Commission, and designate a person to do so on the Commission's behalf;</u>	430 431 432 433
<u>8. Purchase and maintain insurance and bonds;</u>	434
<u>9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Participating State;</u>	435 436 437
<u>10. Conduct an annual financial review;</u>	438
<u>11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and</u>	439 440 441

establish the Commission's personnel policies and programs 442
relating to conflicts of interest, qualifications of personnel, 443
and other related personnel matters; 444

12. As set forth in the Commission Rules, charge a fee to 445
a Licensee for the grant of a Compact Privilege in a Remote 446
State and thereafter, as may be established by Commission Rule, 447
charge the Licensee a Compact Privilege renewal fee for each 448
renewal period in which that Licensee exercises or intends to 449
exercise the Compact Privilege in that Remote State. Nothing 450
herein shall be construed to prevent a Remote State from 451
charging a Licensee a fee for a Compact Privilege or renewals of 452
a Compact Privilege, or a fee for the Jurisprudence Requirement 453
if the Remote State imposes such a requirement for the grant of 454
a Compact Privilege; 455

13. Accept any and all appropriate gifts, donations, 456
grants of money, other sources of revenue, equipment, supplies, 457
materials, and services, and receive, utilize, and dispose of 458
the same; provided that at all times the Commission shall avoid 459
any appearance of impropriety and/or conflict of interest; 460

14. Lease, purchase, retain, own, hold, improve, or use 461
any property, real, personal, or mixed, or any undivided 462
interest therein; 463

15. Sell, convey, mortgage, pledge, lease, exchange, 464
abandon, or otherwise dispose of any property real, personal, or 465
mixed; 466

16. Establish a budget and make expenditures; 467

17. Borrow money; 468

18. Appoint committees, including standing committees, 469
which may be composed of members, State regulators, State 470

legislators or their representatives, and consumer 471
representatives, and such other interested persons as may be 472
designated in this Compact and the bylaws; 473

19. Provide and receive information from, and cooperate 474
with, law enforcement agencies; 475

20. Elect a Chair, Vice Chair, Secretary and Treasurer and 476
such other officers of the Commission as provided in the 477
Commission's bylaws; 478

21. Establish and elect an Executive Board; 479

22. Adopt and provide to the Participating States an 480
annual report; 481

23. Determine whether a State's enacted compact is 482
materially different from the Model Compact language such that 483
the State would not qualify for participation in the Compact; 484
and 485

24. Perform such other functions as may be necessary or 486
appropriate to achieve the purposes of this Compact. 487

D. Meetings of the Commission 488

1. All meetings of the Commission that are not closed 489
pursuant to this subsection shall be open to the public. Notice 490
of public meetings shall be posted on the Commission's website 491
at least thirty (30) days prior to the public meeting. 492

2. Notwithstanding subsection D.1 of this section, the 493
Commission may convene an emergency public meeting by providing 494
at least twenty-four (24) hours prior notice on the Commission's 495
website, and any other means as provided in the Commission's 496
Rules, for any of the reasons it may dispense with notice of 497
proposed rulemaking under Section 9.L. The Commission's legal 498

<u>counsel shall certify that one of the reasons justifying an</u>	499
<u>emergency public meeting has been met.</u>	500
<u>3. Notice of all Commission meetings shall provide the</u>	501
<u>time, date, and location of the meeting, and if the meeting is</u>	502
<u>to be held or accessible via telecommunication, video</u>	503
<u>conference, or other electronic means, the notice shall include</u>	504
<u>the mechanism for access to the meeting through such means.</u>	505
<u>4. The Commission may convene in a closed, non-public</u>	506
<u>meeting for the Commission to receive legal advice or to</u>	507
<u>discuss:</u>	508
<u>a. Non-compliance of a Participating State with its</u>	509
<u>obligations under the Compact;</u>	510
<u>b. The employment, compensation, discipline or other</u>	511
<u>matters, practices or procedures related to specific employees</u>	512
<u>or other matters related to the Commission's internal personnel</u>	513
<u>practices and procedures;</u>	514
<u>c. Current or threatened discipline of a Licensee or</u>	515
<u>Compact Privilege holder by the Commission or by a Participating</u>	516
<u>State's Licensing Authority;</u>	517
<u>d. Current, threatened, or reasonably anticipated</u>	518
<u>litigation;</u>	519
<u>e. Negotiation of contracts for the purchase, lease, or</u>	520
<u>sale of goods, services, or real estate;</u>	521
<u>f. Accusing any person of a crime or formally censuring</u>	522
<u>any person;</u>	523
<u>g. Trade secrets or commercial or financial information</u>	524
<u>that is privileged or confidential;</u>	525

<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	526
<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	527
<u>i. Investigative records compiled for law enforcement purposes;</u>	528
<u>i. Investigative records compiled for law enforcement purposes;</u>	529
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	530
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	531
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	532
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	533
<u>k. Legal advice;</u>	534
<u>l. Matters specifically exempted from disclosure to the public by federal or Participating State law; and</u>	535
<u>l. Matters specifically exempted from disclosure to the public by federal or Participating State law; and</u>	536
<u>m. Other matters as promulgated by the Commission by Rule.</u>	537
<u>5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.</u>	538
<u>5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.</u>	539
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<u>5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.</u>	541
<u>6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.</u>	542
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<u>E. Financing of the Commission</u>	551
<u>1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization,</u>	552
<u>1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization,</u>	553

<u>and ongoing activities.</u>	554
<u>2. The Commission may accept any and all appropriate</u>	555
<u>sources of revenue, donations, and grants of money, equipment,</u>	556
<u>supplies, materials, and services.</u>	557
<u>3. The Commission may levy on and collect an annual</u>	558
<u>assessment from each Participating State and impose fees on</u>	559
<u>Licensees of Participating States when a Compact Privilege is</u>	560
<u>granted, to cover the cost of the operations and activities of</u>	561
<u>the Commission and its staff, which must be in a total amount</u>	562
<u>sufficient to cover its annual budget as approved each fiscal</u>	563
<u>year for which sufficient revenue is not provided by other</u>	564
<u>sources. The aggregate annual assessment amount for</u>	565
<u>Participating States shall be allocated based upon a formula</u>	566
<u>that the Commission shall promulgate by Rule.</u>	567
<u>4. The Commission shall not incur obligations of any kind</u>	568
<u>prior to securing the funds adequate to meet the same; nor shall</u>	569
<u>the Commission pledge the credit of any Participating State,</u>	570
<u>except by and with the authority of the Participating State.</u>	571
<u>5. The Commission shall keep accurate accounts of all</u>	572
<u>receipts and disbursements. The receipts and disbursements of</u>	573
<u>the Commission shall be subject to the financial review and</u>	574
<u>accounting procedures established under its bylaws. All receipts</u>	575
<u>and disbursements of funds handled by the Commission shall be</u>	576
<u>subject to an annual financial review by a certified or licensed</u>	577
<u>public accountant, and the report of the financial review shall</u>	578
<u>be included in and become part of the annual report of the</u>	579
<u>Commission.</u>	580
<u>F. The Executive Board</u>	581
<u>1. The Executive Board shall have the power to act on</u>	582

<u>behalf of the Commission according to the terms of this Compact.</u>	583
<u>The powers, duties, and responsibilities of the Executive Board</u>	584
<u>shall include:</u>	585
<u>a. Overseeing the day-to-day activities of the</u>	586
<u>administration of the Compact including compliance with the</u>	587
<u>provisions of the Compact, the Commission's Rules and bylaws;</u>	588
<u>b. Recommending to the Commission changes to the Rules or</u>	589
<u>bylaws, changes to this Compact legislation, fees charged to</u>	590
<u>Compact Participating States, fees charged to Licensees, and</u>	591
<u>other fees;</u>	592
<u>c. Ensuring Compact administration services are</u>	593
<u>appropriately provided, including by contract;</u>	594
<u>d. Preparing and recommending the budget;</u>	595
<u>e. Maintaining financial records on behalf of the</u>	596
<u>Commission;</u>	597
<u>f. Monitoring Compact compliance of Participating States</u>	598
<u>and providing compliance reports to the Commission;</u>	599
<u>g. Establishing additional committees as necessary;</u>	600
<u>h. Exercising the powers and duties of the Commission</u>	601
<u>during the interim between Commission meetings, except for</u>	602
<u>adopting or amending Rules, adopting or amending bylaws, and</u>	603
<u>exercising any other powers and duties expressly reserved to the</u>	604
<u>Commission by Rule or bylaw; and</u>	605
<u>i. Other duties as provided in the Rules or bylaws of the</u>	606
<u>Commission.</u>	607
<u>2. The Executive Board shall be composed of up to seven</u>	608
<u>(7) members:</u>	609

- a. The Chair, Vice Chair, Secretary and Treasurer of the Commission and any other members of the Commission who serve on the Executive Board shall be voting members of the Executive Board; and 610
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- b. Other than the Chair, Vice Chair, Secretary, and Treasurer, the Commission may elect up to three (3) voting members from the current membership of the Commission. 614
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3. The Commission may remove any member of the Executive Board as provided in the Commission's bylaws. 617
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4. The Executive Board shall meet at least annually. 619
- a. An Executive Board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the Executive Board may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection D.4. 620
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- b. The Executive Board shall give five (5) business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the Executive Board intends to address at those meetings. 625
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5. The Executive Board may hold an emergency meeting when acting for the Commission to: 630
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- a. Meet an imminent threat to public health, safety, or welfare; 632
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- b. Prevent a loss of Commission or Participating State funds; or 634
635
- c. Protect public health and safety. 636

G. Qualified Immunity, Defense, and Indemnification 637

1. The members, officers, executive director, employees 638
and representatives of the Commission shall be immune from suit 639
and liability, both personally and in their official capacity, 640
for any claim for damage to or loss of property or personal 641
injury or other civil liability caused by or arising out of any 642
actual or alleged act, error, or omission that occurred, or that 643
the person against whom the claim is made had a reasonable basis 644
for believing occurred within the scope of Commission 645
employment, duties or responsibilities; provided that nothing in 646
this paragraph shall be construed to protect any such person 647
from suit or liability for any damage, loss, injury, or 648
liability caused by the intentional or willful or wanton 649
misconduct of that person. The procurement of insurance of any 650
type by the Commission shall not in any way compromise or limit 651
the immunity granted hereunder. 652

2. The Commission shall defend any member, officer, 653
executive director, employee, and representative of the 654
Commission in any civil action seeking to impose liability 655
arising out of any actual or alleged act, error, or omission 656
that occurred within the scope of Commission employment, duties, 657
or responsibilities, or as determined by the Commission that the 658
person against whom the claim is made had a reasonable basis for 659
believing occurred within the scope of Commission employment, 660
duties, or responsibilities; provided that nothing herein shall 661
be construed to prohibit that person from retaining their own 662
counsel at their own expense; and provided further, that the 663
actual or alleged act, error, or omission did not result from 664
that person's intentional or willful or wanton misconduct. 665

3. Notwithstanding subsection (a), should any member, 666

officer, executive director, employee, or representative of the 667
Commission be held liable for the amount of any settlement or 668
judgment arising out of any actual or alleged act, error, or 669
omission that occurred within the scope of that individual's 670
employment, duties, or responsibilities for the Commission, or 671
that the person to whom that individual is liable had a 672
reasonable basis for believing occurred within the scope of the 673
individual's employment, duties, or responsibilities for the 674
Commission, the Commission shall indemnify and hold harmless 675
such individual, provided that the actual or alleged act, error, 676
or omission did not result from the intentional or willful or 677
wanton misconduct of the individual. 678

4. Nothing herein shall be construed as a limitation on 679
the liability of any Licensee for professional malpractice or 680
misconduct, which shall be governed solely by any other 681
applicable State laws. 682

5. Nothing in this Compact shall be interpreted to waive 683
or otherwise abrogate a Participating State's state action 684
immunity or state action affirmative defense with respect to 685
antitrust claims under the Sherman Act, Clayton Act, or any 686
other State or federal antitrust or anticompetitive law or 687
regulation. 688

6. Nothing in this Compact shall be construed to be a 689
waiver of sovereign immunity by the Participating States or by 690
the Commission. 691

SECTION 8. DATA SYSTEM 692

A. The Commission shall provide for the development, 693
maintenance, operation, and utilization of a coordinated 694
database and reporting system containing licensure, Adverse 695

Action, and the presence of Significant Investigative 696
Information on all Licensees and applicants for a License in 697
Participating States. 698

B. Notwithstanding any other provision of State law to the 699
contrary, a Participating State shall submit a uniform data set 700
to the Data System on all individuals to whom this Compact is 701
applicable as required by the Rules of the Commission, 702
including: 703

1. Identifying information; 704

2. Licensure data; 705

3. Adverse Actions against a Licensee, License applicant 706
or Compact Privilege and information related thereto; 707

4. Non-confidential information related to Alternative 708
Program participation, the beginning and ending dates of such 709
participation, and other information related to such 710
participation; 711

5. Any denial of an application for licensure, and the 712
reason(s) for such denial, (excluding the reporting of any 713
criminal history record information where prohibited by law); 714

6. The presence of Significant Investigative Information; 715
and 716

7. Other information that may facilitate the 717
administration of this Compact or the protection of the public, 718
as determined by the Rules of the Commission. 719

C. The records and information provided to a Participating 720
State pursuant to this Compact or through the Data System, when 721
certified by the Commission or an agent thereof, shall 722
constitute the authenticated business records of the Commission, 723

and shall be entitled to any associated hearsay exception in any 724
relevant judicial, quasi-judicial or administrative proceedings 725
in a Participating State. 726

D. Significant Investigative Information pertaining to a 727
Licensee in any Participating State will only be available to 728
other Participating States. 729

E. It is the responsibility of the Participating States to 730
monitor the database to determine whether Adverse Action has 731
been taken against a Licensee or License applicant. Adverse 732
Action information pertaining to a Licensee or License applicant 733
in any Participating State will be available to any other 734
Participating State. 735

F. Participating States contributing information to the 736
Data System may designate information that may not be shared 737
with the public without the express permission of the 738
contributing State. 739

G. Any information submitted to the Data System that is 740
subsequently expunged pursuant to federal law or the laws of the 741
Participating State contributing the information shall be 742
removed from the Data System. 743

SECTION 9. RULEMAKING 744

A. The Commission shall promulgate reasonable Rules in 745
order to effectively and efficiently implement and administer 746
the purposes and provisions of the Compact. A Commission Rule 747
shall be invalid and have no force or effect only if a court of 748
competent jurisdiction holds that the Rule is invalid because 749
the Commission exercised its rulemaking authority in a manner 750
that is beyond the scope and purposes of the Compact, or the 751
powers granted hereunder, or based upon another applicable 752

standard of review. 753

B. The Rules of the Commission shall have the force of law 754
in each Participating State, provided however that where the 755
Rules of the Commission conflict with the laws of the 756
Participating State that establish the Participating State's 757
Scope of Practice as held by a court of competent jurisdiction, 758
the Rules of the Commission shall be ineffective in that State 759
to the extent of the conflict. 760

C. The Commission shall exercise its Rulemaking powers 761
pursuant to the criteria set forth in this section and the Rules 762
adopted thereunder. Rules shall become binding as of the date 763
specified by the Commission for each Rule. 764

D. If a majority of the legislatures of the Participating 765
States rejects a Commission Rule or portion of a Commission 766
Rule, by enactment of a statute or resolution in the same manner 767
used to adopt the Compact, within four (4) years of the date of 768
adoption of the Rule, then such Rule shall have no further force 769
and effect in any Participating State or to any State applying 770
to participate in the Compact. 771

E. Rules shall be adopted at a regular or special meeting 772
of the Commission. 773

F. Prior to adoption of a proposed Rule, the Commission 774
shall hold a public hearing and allow persons to provide oral 775
and written comments, data, facts, opinions, and arguments. 776

G. Prior to adoption of a proposed Rule by the Commission, 777
and at least thirty (30) days in advance of the meeting at which 778
the Commission will hold a public hearing on the proposed Rule, 779
the Commission shall provide a Notice of Proposed Rulemaking: 780

1. On the website of the Commission or other publicly 781

<u>accessible platform;</u>	782
<u>2. To persons who have requested notice of the</u>	783
<u>Commission's notices of proposed rulemaking, and</u>	784
<u>3. In such other way(s) as the Commission may by Rule</u>	785
<u>specify.</u>	786
<u>H. The Notice of Proposed Rulemaking shall include:</u>	787
<u>1. The time, date, and location of the public hearing at</u>	788
<u>which the Commission will hear public comments on the proposed</u>	789
<u>Rule and, if different, the time, date, and location of the</u>	790
<u>meeting where the Commission will consider and vote on the</u>	791
<u>proposed Rule;</u>	792
<u>2. If the hearing is held via telecommunication, video</u>	793
<u>conference, or other electronic means, the Commission shall</u>	794
<u>include the mechanism for access to the hearing in the Notice of</u>	795
<u>Proposed Rulemaking;</u>	796
<u>3. The text of the proposed Rule and the reason therefor;</u>	797
<u>4. A request for comments on the proposed Rule from any</u>	798
<u>interested person; and</u>	799
<u>5. The manner in which interested persons may submit</u>	800
<u>written comments.</u>	801
<u>I. All hearings will be recorded. A copy of the recording</u>	802
<u>and all written comments and documents received by the</u>	803
<u>Commission in response to the proposed Rule shall be available</u>	804
<u>to the public.</u>	805
<u>J. Nothing in this section shall be construed as requiring</u>	806
<u>a separate hearing on each Commission Rule. Rules may be grouped</u>	807
<u>for the convenience of the Commission at hearings required by</u>	808

this section. 809

K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the rulemaking record. 810
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1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule. 813
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2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters. 816
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3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in subsection L, the effective date of the Rule shall be no sooner than thirty (30) days after the Commission issuing the notice that it adopted or amended the Rule. 820
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L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to: 825
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1. Meet an imminent threat to public health, safety, or welfare; 834
835

2. Prevent a loss of Commission or Participating State funds; 836
837

3. Meet a deadline for the promulgation of a Rule that is 838
established by federal law or rule; or 839

4. Protect public health and safety. 840

M. The Commission or an authorized committee of the 841
Commission may direct revisions to a previously adopted Rule for 842
purposes of correcting typographical errors, errors in format, 843
errors in consistency, or grammatical errors. Public notice of 844
any revisions shall be posted on the website of the Commission. 845
The revision shall be subject to challenge by any person for a 846
period of thirty (30) days after posting. The revision may be 847
challenged only on grounds that the revision results in a 848
material change to a Rule. A challenge shall be made in writing 849
and delivered to the Commission prior to the end of the notice 850
period. If no challenge is made, the revision will take effect 851
without further action. If the revision is challenged, the 852
revision may not take effect without the approval of the 853
Commission. 854

N. No Participating State's rulemaking requirements shall 855
apply under this Compact 856

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 857

A. Oversight 858

1. The executive and judicial branches of State government 859
in each Participating State shall enforce this Compact and take 860
all actions necessary and appropriate to implement the Compact. 861

2. Venue is proper and judicial proceedings by or against 862
the Commission shall be brought solely and exclusively in a 863
court of competent jurisdiction where the principal office of 864
the Commission is located. The Commission may waive venue and 865
jurisdictional defenses to the extent it adopts or consents to 866

participate in alternative dispute resolution proceedings. 867
Nothing herein shall affect or limit the selection or propriety 868
of venue in any action against a Licensee for professional 869
malpractice, misconduct or any such similar matter. 870

3. The Commission shall be entitled to receive service of 871
process in any proceeding regarding the enforcement or 872
interpretation of the Compact or Commission Rule and shall have 873
standing to intervene in such a proceeding for all purposes. 874
Failure to provide the Commission service of process shall 875
render a judgment or order void as to the Commission, this 876
Compact, or promulgated Rules. 877

B. Default, Technical Assistance, and Termination 878

1. If the Commission determines that a Participating State 879
has defaulted in the performance of its obligations or 880
responsibilities under this Compact or the promulgated Rules, 881
the Commission shall provide written notice to the defaulting 882
State. The notice of default shall describe the default, the 883
proposed means of curing the default, and any other action that 884
the Commission may take, and shall offer training and specific 885
technical assistance regarding the default. 886

2. The Commission shall provide a copy of the notice of 887
default to the other Participating States. 888

C. If a State in default fails to cure the default, the 889
defaulting State may be terminated from the Compact upon an 890
affirmative vote of a majority of the Commissioners, and all 891
rights, privileges and benefits conferred on that State by this 892
Compact may be terminated on the effective date of termination. 893
A cure of the default does not relieve the offending State of 894
obligations or liabilities incurred during the period of 895

default. 896

D. Termination of participation in the Compact shall be 897
imposed only after all other means of securing compliance have 898
been exhausted. Notice of intent to suspend or terminate shall 899
be given by the Commission to the governor, the majority and 900
minority leaders of the defaulting State's legislature, the 901
defaulting State's State Licensing Authority or Authorities, as 902
applicable, and each of the Participating States' State 903
Licensing Authority or Authorities, as applicable. 904

E. A State that has been terminated is responsible for all 905
assessments, obligations, and liabilities incurred through the 906
effective date of termination, including obligations that extend 907
beyond the effective date of termination. 908

F. Upon the termination of a State's participation in this 909
Compact, that State shall immediately provide notice to all 910
Licensees of the State, including Licensees of other 911
Participating States issued a Compact Privilege to practice 912
within that State, of such termination. The terminated State 913
shall continue to recognize all Compact Privileges then in 914
effect in that State for a minimum of one hundred eighty (180) 915
days after the date of said notice of termination. 916

G. The Commission shall not bear any costs related to a 917
State that is found to be in default or that has been terminated 918
from the Compact, unless agreed upon in writing between the 919
Commission and the defaulting State. 920

H. The defaulting State may appeal the action of the 921
Commission by petitioning the U.S. District Court for the 922
District of Columbia or the federal district where the 923
Commission has its principal offices. The prevailing party shall 924

be awarded all costs of such litigation, including reasonable 925
attorney's fees. 926

I. Dispute Resolution 927

1. Upon request by a Participating State, the Commission 928
shall attempt to resolve disputes related to the Compact that 929
arise among Participating States and between Participating 930
States and non-Participating States. 931

2. The Commission shall promulgate a Rule providing for 932
both mediation and binding dispute resolution for disputes as 933
appropriate. 934

J. Enforcement 935

1. The Commission, in the reasonable exercise of its 936
discretion, shall enforce the provisions of this Compact and the 937
Commission's Rules. 938

2. By majority vote, the Commission may initiate legal 939
action against a Participating State in default in the United 940
States District Court for the District of Columbia or the 941
federal district where the Commission has its principal offices 942
to enforce compliance with the provisions of the Compact and its 943
promulgated Rules. The relief sought may include both injunctive 944
relief and damages. In the event judicial enforcement is 945
necessary, the prevailing party shall be awarded all costs of 946
such litigation, including reasonable attorney's fees. The 947
remedies herein shall not be the exclusive remedies of the 948
Commission. The Commission may pursue any other remedies 949
available under federal or the defaulting Participating State's 950
law. 951

3. A Participating State may initiate legal action against 952
the Commission in the U.S. District Court for the District of 953

Columbia or the federal district where the Commission has its 954
principal offices to enforce compliance with the provisions of 955
the Compact and its promulgated Rules. The relief sought may 956
include both injunctive relief and damages. In the event 957
judicial enforcement is necessary, the prevailing party shall be 958
awarded all costs of such litigation, including reasonable 959
attorney's fees. 960

4. No individual or entity other than a Participating 961
State may enforce this Compact against the Commission. 962

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 963

A. The Compact shall come into effect on the date on which 964
the Compact statute is enacted into law in the seventh 965
Participating State. 966

1. On or after the effective date of the Compact, the 967
Commission shall convene and review the enactment of each of the 968
States that enacted the Compact prior to the Commission 969
convening ("Charter Participating States") to determine if the 970
statute enacted by each such Charter Participating State is 971
materially different than the Model Compact. 972

a. A Charter Participating State whose enactment is found 973
to be materially different from the Model Compact shall be 974
entitled to the default process set forth in Section 10. 975

b. If any Participating State is later found to be in 976
default, or is terminated or withdraws from the Compact, the 977
Commission shall remain in existence and the Compact shall 978
remain in effect even if the number of Participating States 979
should be less than seven (7). 980

2. Participating States enacting the Compact subsequent to 981
the Charter Participating States shall be subject to the process 982

set forth in Section 7.C.23 to determine if their enactments are 983
materially different from the Model Compact and whether they 984
qualify for participation in the Compact. 985

3. All actions taken for the benefit of the Commission or 986
in furtherance of the purposes of the administration of the 987
Compact prior to the effective date of the Compact or the 988
Commission coming into existence shall be considered to be 989
actions of the Commission unless specifically repudiated by the 990
Commission. 991

4. Any State that joins the Compact subsequent to the 992
Commission's initial adoption of the Rules and bylaws shall be 993
subject to the Commission's Rules and bylaws as they exist on 994
the date on which the Compact becomes law in that State. Any 995
Rule that has been previously adopted by the Commission shall 996
have the full force and effect of law on the day the Compact 997
becomes law in that State. 998

B. Any Participating State may withdraw from this Compact 999
by enacting a statute repealing that State's enactment of the 1000
Compact. 1001

1. A Participating State's withdrawal shall not take 1002
effect until one hundred eighty (180) days after enactment of 1003
the repealing statute. 1004

2. Withdrawal shall not affect the continuing requirement 1005
of the withdrawing State's Licensing Authority or Authorities to 1006
comply with the investigative and Adverse Action reporting 1007
requirements of this Compact prior to the effective date of 1008
withdrawal. 1009

3. Upon the enactment of a statute withdrawing from this 1010
Compact, the State shall immediately provide notice of such 1011

withdrawal to all Licensees within that State. Notwithstanding 1012
any subsequent statutory enactment to the contrary, such 1013
withdrawing State shall continue to recognize all Compact 1014
Privileges to practice within that State granted pursuant to 1015
this Compact for a minimum of one hundred eighty (180) days 1016
after the date of such notice of withdrawal. 1017

C. Nothing contained in this Compact shall be construed to 1018
invalidate or prevent any licensure agreement or other 1019
cooperative arrangement between a Participating State and a non- 1020
Participating State that does not conflict with the provisions 1021
of this Compact. 1022

D. This Compact may be amended by the Participating 1023
States. No amendment to this Compact shall become effective and 1024
binding upon any Participating State until it is enacted into 1025
the laws of all Participating States. 1026

SECTION 12. CONSTRUCTION AND SEVERABILITY 1027

A. This Compact and the Commission's rulemaking authority 1028
shall be liberally construed so as to effectuate the purposes, 1029
and the implementation and administration of the Compact. 1030
Provisions of the Compact expressly authorizing or requiring the 1031
promulgation of Rules shall not be construed to limit the 1032
Commission's rulemaking authority solely for those purposes. 1033

B. The provisions of this Compact shall be severable and 1034
if any phrase, clause, sentence or provision of this Compact is 1035
held by a court of competent jurisdiction to be contrary to the 1036
constitution of any Participating State, a State seeking 1037
participation in the Compact, or of the United States, or the 1038
applicability thereof to any government, agency, person or 1039
circumstance is held to be unconstitutional by a court of 1040

competent jurisdiction, the validity of the remainder of this 1041
Compact and the applicability thereof to any other government, 1042
agency, person or circumstance shall not be affected thereby. 1043

C. Notwithstanding subsection B of this section, the 1044
Commission may deny a State's participation in the Compact or, 1045
in accordance with the requirements of Section 10.B, terminate a 1046
Participating State's participation in the Compact, if it 1047
determines that a constitutional requirement of a Participating 1048
State is a material departure from the Compact. Otherwise, if 1049
this Compact shall be held to be contrary to the constitution of 1050
any Participating State, the Compact shall remain in full force 1051
and effect as to the remaining Participating States and in full 1052
force and effect as to the Participating State affected as to 1053
all severable matters. 1054

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER 1055
STATE LAWS 1056

A. Nothing herein shall prevent or inhibit the enforcement 1057
of any other law of a Participating State that is not 1058
inconsistent with the Compact. 1059

B. Any laws, statutes, regulations, or other legal 1060
requirements in a Participating State in conflict with the 1061
Compact are superseded to the extent of the conflict. 1062

C. All permissible agreements between the Commission and 1063
the Participating States are binding in accordance with their 1064
terms. 1065

Sec. 4715.272. (A) Not later than sixty days after the 1066
"Dentist and Dental Hygienist Compact" is entered into under 1067
section 4715.271 of the Revised Code, the state dental board, in 1068
accordance with Section 7 of the compact, shall select one 1069

individual to serve as a commissioner to the dentist and dental 1070
hygienist compact commission created under the compact. The 1071
board shall fill a vacancy in this position not later than sixty 1072
days after the vacancy occurs. 1073

(B) The board may establish a fee for a licensee from a 1074
compact state to apply for compact privilege or renew compact 1075
privilege. The board may reduce or waive this fee for an active- 1076
duty military individual or that individual's spouse in 1077
accordance with Section 5 of the compact. 1078