

As Reported by the Senate Health Committee

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Sub. S. B. No. 40

Senator Roegner

Cosponsors: Senators Hackett, Johnson, Huffman, S.

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 19
Hygienists licensed in a Participating State to obtain a Compact 20
Privilege that authorizes them to practice in another 21
Participating State in which they are not licensed. The Compact 22
enables Participating States to protect the public health and 23
safety with respect to the practice of such Dentists and Dental 24
Hygienists, through the State's authority to regulate the 25
practice of dentistry and dental hygiene in the State. The 26
Compact: 27

A. Enables Dentists and Dental Hygienists who qualify for 28
a Compact Privilege to practice in other Participating States 29
without satisfying burdensome and duplicative requirements 30
associated with securing a License to practice in those States; 31

B. Promotes mobility and addresses workforce shortages 32
through each Participating State's acceptance of a Compact 33
Privilege to practice in that State; 34

C. Increases public access to qualified, licensed Dentists 35
and Dental Hygienists by creating a responsible, streamlined 36
pathway for Licensees to practice in Participating States. 37

D. Enhances the ability of Participating States to protect 38
the public's health and safety; 39

E. Does not interfere with licensure requirements 40
established by a Participating State; 41

F. Facilitates the sharing of licensure and disciplinary 42
information among Participating States; 43

G. Requires Dentists and Dental Hygienists who practice in 44
a Participating State pursuant to a Compact Privilege to 45
practice within the Scope of Practice authorized in that State; 46

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 Military Member" means any individual in full-time duty status in the armed forces 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

with the provisions herein and Commission Rules. 131

U. "Qualifying License" means a License that is not an 132
Encumbered License issued by a Participating State to practice 133
dentistry or dental hygiene. 134

V. "Remote State" means a Participating State where a 135
Licensee who is not licensed as a Dentist or Dental Hygienist is 136
exercising or seeking to exercise the Compact Privilege. 137

W. "Rule" means a regulation promulgated by an entity that 138
has the force of law. 139

X. "Scope of Practice" means the procedures, actions, and 140
processes a Dentist or Dental Hygienist licensed in a State is 141
permitted to undertake in that State and the circumstances under 142
which the Licensee is permitted to undertake those procedures, 143
actions and processes. Such procedures, actions and processes 144
and the circumstances under which they may be undertaken may be 145
established through means, including, but not limited to, 146
statute, regulations, case law, and other processes available to 147
the State Licensing Authority or other government agency. 148

Y. "Significant Investigative Information" means 149
information, records, and documents received or generated by a 150
State Licensing Authority pursuant to an investigation for which 151
a determination has been made that there is probable cause to 152
believe that the Licensee has violated a statute or regulation 153
that is considered more than a minor infraction for which the 154
State Licensing Authority could pursue Adverse Action against 155
the Licensee. 156

Z. "State" means any state, commonwealth, district, or 157
territory of the United States of America that regulates the 158
practices of dentistry and dental hygiene. 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>accrediting agency recognized by the United States Department of</u>	190
<u>Education for the accreditation of dentistry and dental hygiene</u>	191
<u>education programs, leading to the Doctor of Dental Surgery</u>	192
<u>(D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;</u>	193
<u>9. Accept for licensure that applicants for a Dental</u>	194
<u>Hygienist License graduate from a dental hygiene education</u>	195
<u>program accredited by the Commission on Dental Accreditation or</u>	196
<u>another accrediting agency recognized by the United States</u>	197
<u>Department of Education for the accreditation of dentistry and</u>	198
<u>dental hygiene education programs;</u>	199
<u>10. Require for licensure that applicants successfully</u>	200
<u>complete a Clinical Assessment;</u>	201
<u>11. Have Continuing Professional Development requirements</u>	202
<u>as a condition for License renewal; and</u>	203
<u>12. Pay a participation fee to the Commission as</u>	204
<u>established by Commission Rule.</u>	205
<u>B. Providing alternative pathways for an individual to</u>	206
<u>obtain an unrestricted License does not disqualify a State from</u>	207
<u>participating in the Compact.</u>	208
<u>C. When conducting a Criminal Background Check the State</u>	209
<u>Licensing Authority shall:</u>	210
<u>1. Consider that information in making a licensure</u>	211
<u>decision;</u>	212
<u>2. Maintain documentation of completion of the Criminal</u>	213
<u>Background Check and background check information to the extent</u>	214

<u>allowed by State and federal law; and</u>	215
<u>3. Report to the Commission whether it has completed the</u>	216
<u>Criminal Background Check and whether the individual was granted</u>	217
<u>or denied a License.</u>	218
<u>D. A Licensee of a Participating State who has a</u>	219
<u>Qualifying License in that State and does not hold an Encumbered</u>	220
<u>License in any other Participating State, shall be issued a</u>	221
<u>Compact Privilege in a Remote State in accordance with the terms</u>	222
<u>of the Compact and Commission Rules. If a Remote State has a</u>	223
<u>Jurisprudence Requirement a Compact Privilege will not be issued</u>	224
<u>to the Licensee unless the Licensee has satisfied the</u>	225
<u>Jurisprudence Requirement.</u>	226
<u>SECTION 4. COMPACT PRIVILEGE</u>	227
<u>A. To obtain and exercise the Compact Privilege under the</u>	228
<u>terms and provisions of the Compact, the Licensee shall:</u>	229
<u>1. Have a Qualifying License as a Dentist or Dental</u>	230
<u>Hygienist in a Participating State;</u>	231
<u>2. Be eligible for a Compact Privilege in any Remote State</u>	232
<u>in accordance with D, G and H of this section;</u>	233
<u>3. Submit to an application process whenever the Licensee</u>	234
<u>is seeking a Compact Privilege;</u>	235
<u>4. Pay any applicable Commission and Remote State fees for</u>	236
<u>a Compact Privilege in the Remote State;</u>	237
<u>5. Meet any Jurisprudence Requirement established by a</u>	238
<u>Remote State in which the Licensee is seeking a Compact</u>	239
<u>Privilege;</u>	240
<u>6. Have passed a National Board Examination of the Joint</u>	241

<u>Commission on National Dental Examinations or another</u>	242
<u>examination accepted by Commission Rule;</u>	243
<u>7. For a Dentist, have graduated from a predoctoral dental</u>	244
<u>education program accredited by the Commission on Dental</u>	245
<u>Accreditation or another accrediting agency recognized by the</u>	246
<u>United States Department of Education for the accreditation of</u>	247
<u>dentistry and dental hygiene education programs, leading to the</u>	248
<u>Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine</u>	249
<u>(D.M.D.) degree;</u>	250
<u>8. For a Dental Hygienist, have graduated from a dental</u>	251
<u>hygiene education program accredited by the Commission on Dental</u>	252
<u>Accreditation or another accrediting agency recognized by the</u>	253
<u>United States Department of Education for the accreditation of</u>	254
<u>dentistry and dental hygiene education programs;</u>	255
<u>9. Have successfully completed a Clinical Assessment for</u>	256
<u>licensure;</u>	257
<u>10. Report to the Commission Adverse Action taken by any</u>	258
<u>non-Participating State when applying for a Compact Privilege</u>	259
<u>and, otherwise, within thirty (30) days from the date the</u>	260
<u>Adverse Action is taken;</u>	261
<u>11. Report to the Commission when applying for a Compact</u>	262
<u>Privilege the address of the Licensee's primary residence and</u>	263
<u>thereafter immediately report to the Commission any change in</u>	264
<u>the address of the Licensee's primary residence; and</u>	265
<u>12. Consent to accept service of process by mail at the</u>	266
<u>Licensee's primary residence on record with the Commission with</u>	267
<u>respect to any action brought against the Licensee by the</u>	268
<u>Commission or a Participating State, and consent to accept</u>	269
<u>service of a subpoena by mail at the Licensee's primary</u>	270

residence on record with the Commission with respect to any 271
action brought or investigation conducted by the Commission or a 272
Participating State. 273

B. The Licensee must comply with the requirements of 274
subsection A of this section to maintain the Compact Privilege 275
in the Remote State. If those requirements are met, the Compact 276
Privilege will continue as long as the Licensee maintains a 277
Qualifying License in the State through which the Licensee 278
applied for the Compact Privilege and pays any applicable 279
Compact Privilege renewal fees. 280

C. A Licensee providing dentistry or dental hygiene in a 281
Remote State under the Compact Privilege shall function within 282
the Scope of Practice authorized by the Remote State for a 283
Dentist or Dental Hygienist licensed in that State. 284

D. A Licensee providing dentistry or dental hygiene 285
pursuant to a Compact Privilege in a Remote State is subject to 286
that State's regulatory authority. A Remote State may, in 287
accordance with due process and that State's laws, by Adverse 288
Action revoke or remove a Licensee's Compact Privilege in the 289
Remote State for a specific period of time and impose fines or 290
take any other necessary actions to protect the health and 291
safety of its citizens. If a Remote State imposes an Adverse 292
Action against a Compact Privilege that limits the Compact 293
Privilege, that Adverse Action applies to all Compact Privileges 294
in all Remote States. A Licensee whose Compact Privilege in a 295
Remote State is removed for a specified period of time is not 296
eligible for a Compact Privilege in any other Remote State until 297
the specific time for removal of the Compact Privilege has 298
passed and all encumbrance requirements are satisfied. 299

E. If a License in a Participating State is an Encumbered 300

License, the Licensee shall lose the Compact Privilege in a 301
Remote State and shall not be eligible for a Compact Privilege 302
in any Remote State until the License is no longer encumbered. 303

F. Once an Encumbered License in a Participating State is 304
restored to good standing, the Licensee must meet the 305
requirements of subsection A of this section to obtain a Compact 306
Privilege in a Remote State. 307

G. If a Licensee's Compact Privilege in a Remote State is 308
removed by the Remote State, the individual shall lose or be 309
ineligible for the Compact Privilege in any Remote State until 310
the following occur: 311

1. The specific period of time for which the Compact 312
Privilege was removed has ended; and 313

2. All conditions for removal of the Compact Privilege 314
have been satisfied. 315

H. Once the requirements of subsection G of this section 316
have been met, the Licensee must meet the requirements in 317
subsection A of this section to obtain a Compact Privilege in a 318
Remote State. 319

SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES 320

An Active Military Member and their spouse shall not be 321
required to pay to the Commission for a Compact Privilege the 322
fee otherwise charged by the Commission. If a Remote State 323
chooses to charge a fee for a Compact Privilege, it may choose 324
to charge a reduced fee or no fee to an Active Military Member 325
and their spouse for a Compact Privilege. 326

SECTION 6. ADVERSE ACTIONS 327

A. A Participating State in which a Licensee is licensed 328

shall have exclusive authority to impose Adverse Action against 329
the Qualifying License issued by that Participating State. 330

B. A Participating State may take Adverse Action based on 331
the Significant Investigative Information of a Remote State, so 332
long as the Participating State follows its own procedures for 333
imposing Adverse Action. 334

C. Nothing in this Compact shall override a Participating 335
State's decision that participation in an Alternative Program 336
may be used in lieu of Adverse Action and that such 337
participation shall remain non-public if required by the 338
Participating State's laws. Participating States must require 339
Licensees who enter any Alternative Program in lieu of 340
discipline to agree not to practice pursuant to a Compact 341
Privilege in any other Participating State during the term of 342
the Alternative Program without prior authorization from such 343
other Participating State. 344

D. Any Participating State in which a Licensee is applying 345
to practice or is practicing pursuant to a Compact Privilege may 346
investigate actual or alleged violations of the statutes and 347
regulations authorizing the practice of dentistry or dental 348
hygiene in any other Participating State in which the Dentist or 349
Dental Hygienist holds a License or Compact Privilege. 350

E. A Remote State shall have the authority to: 351

1. Take Adverse Actions as set forth in Section 4.D 352
against a Licensee's Compact Privilege in the State; 353

2. In furtherance of its rights and responsibilities under 354
the Compact and the Commission's Rules issue subpoenas for both 355
hearings and investigations that require the attendance and 356
testimony of witnesses, and the production of evidence. 357

Subpoenas issued by a State Licensing Authority in a 358
Participating State for the attendance and testimony of 359
witnesses, or the production of evidence from another 360
Participating State, shall be enforced in the latter State by 361
any court of competent jurisdiction, according to the practice 362
and procedure of that court applicable to subpoenas issued in 363
proceedings pending before it. The issuing authority shall pay 364
any witness fees, travel expenses, mileage, and other fees 365
required by the service statutes of the State where the 366
witnesses or evidence are located; and 367

3. If otherwise permitted by State law, recover from the 368
Licensee the costs of investigations and disposition of cases 369
resulting from any Adverse Action taken against that Licensee. 370

F. Joint Investigations 371

1. In addition to the authority granted to a Participating 372
State by its Dentist or Dental Hygienist licensure act or other 373
applicable State law, a Participating State may jointly 374
investigate Licensees with other Participating States. 375

2. Participating States shall share any Significant 376
Investigative Information, litigation, or compliance materials 377
in furtherance of any joint or individual investigation 378
initiated under the Compact. 379

G. Authority to Continue Investigation 380

1. After a Licensee's Compact Privilege in a Remote State 381
is terminated, the Remote State may continue an investigation of 382
the Licensee that began when the Licensee had a Compact 383
Privilege in that Remote State. 384

2. If the investigation yields what would be Significant 385
Investigative Information had the Licensee continued to have a 386

Compact Privilege in that Remote State, the Remote State shall 387
report the presence of such information to the Data System as 388
required by Section 8.B.6 as if it was Significant Investigative 389
Information. 390

SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION. 391

A. The Compact Participating States hereby create and 392
establish a joint government agency whose membership consists of 393
all Participating States that have enacted the Compact. The 394
Commission is an instrumentality of the Participating States 395
acting jointly and not an instrumentality of any one State. The 396
Commission shall come into existence on or after the effective 397
date of the Compact as set forth in Section 11A. 398

B. Participation, Voting, and Meetings 399

1. Each Participating State shall have and be limited to 400
one (1) Commissioner selected by that Participating State's 401
State Licensing Authority or, if the State has more than one 402
State Licensing Authority, selected collectively by the State 403
Licensing Authorities. 404

2. The Commissioner shall be a member or designee of such 405
Authority or Authorities. 406

3. The Commission may by Rule or bylaw establish a term of 407
office for Commissioners and may by Rule or bylaw establish term 408
limits. 409

4. The Commission may recommend to a State Licensing 410
Authority or Authorities, as applicable, removal or suspension 411
of an individual as the State's Commissioner. 412

5. A Participating State's State Licensing Authority, or 413
Authorities, as applicable, shall fill any vacancy of its 414

Commissioner on the Commission within sixty (60) days of the 415
vacancy. 416

6. Each Commissioner shall be entitled to one vote on all 417
matters that are voted upon by the Commission. 418

7. The Commission shall meet at least once during each 419
calendar year. Additional meetings may be held as set forth in 420
the bylaws. The Commission may meet by telecommunication, video 421
conference or other similar electronic means. 422

C. The Commission shall have the following powers: 423

1. Establish the fiscal year of the Commission; 424

2. Establish a code of conduct and conflict of interest 425
policies; 426

3. Adopt Rules and bylaws; 427

4. Maintain its financial records in accordance with the 428
bylaws; 429

5. Meet and take such actions as are consistent with the 430
provisions of this Compact, the Commission's Rules, and the 431
bylaws; 432

6. Initiate and conclude legal proceedings or actions in 433
the name of the Commission, provided that the standing of any 434
State Licensing Authority to sue or be sued under applicable law 435
shall not be affected; 436

7. Maintain and certify records and information provided 437
to a Participating State as the authenticated business records 438
of the Commission, and designate a person to do so on the 439
Commission's behalf; 440

8. Purchase and maintain insurance and bonds; 441

9. Borrow, accept, or contract for services of personnel, 442
including, but not limited to, employees of a Participating 443
State; 444

10. Conduct an annual financial review; 445

11. Hire employees, elect or appoint officers, fix 446
compensation, define duties, grant such individuals appropriate 447
authority to carry out the purposes of the Compact, and 448
establish the Commission's personnel policies and programs 449
relating to conflicts of interest, qualifications of personnel, 450
and other related personnel matters; 451

12. As set forth in the Commission Rules, charge a fee to 452
a Licensee for the grant of a Compact Privilege in a Remote 453
State and thereafter, as may be established by Commission Rule, 454
charge the Licensee a Compact Privilege renewal fee for each 455
renewal period in which that Licensee exercises or intends to 456
exercise the Compact Privilege in that Remote State. Nothing 457
herein shall be construed to prevent a Remote State from 458
charging a Licensee a fee for a Compact Privilege or renewals of 459
a Compact Privilege, or a fee for the Jurisprudence Requirement 460
if the Remote State imposes such a requirement for the grant of 461
a Compact Privilege; 462

13. Accept any and all appropriate gifts, donations, 463
grants of money, other sources of revenue, equipment, supplies, 464
materials, and services, and receive, utilize, and dispose of 465
the same; provided that at all times the Commission shall avoid 466
any appearance of impropriety and/or conflict of interest; 467

14. Lease, purchase, retain, own, hold, improve, or use 468
any property, real, personal, or mixed, or any undivided 469
interest therein; 470

<u>15. Sell, convey, mortgage, pledge, lease, exchange,</u>	471
<u>abandon, or otherwise dispose of any property real, personal, or</u>	472
<u>mixed;</u>	473
<u>16. Establish a budget and make expenditures;</u>	474
<u>17. Borrow money;</u>	475
<u>18. Appoint committees, including standing committees,</u>	476
<u>which may be composed of members, State regulators, State</u>	477
<u>legislators or their representatives, and consumer</u>	478
<u>representatives, and such other interested persons as may be</u>	479
<u>designated in this Compact and the bylaws;</u>	480
<u>19. Provide and receive information from, and cooperate</u>	481
<u>with, law enforcement agencies;</u>	482
<u>20. Elect a Chair, Vice Chair, Secretary and Treasurer and</u>	483
<u>such other officers of the Commission as provided in the</u>	484
<u>Commission's bylaws;</u>	485
<u>21. Establish and elect an Executive Board;</u>	486
<u>22. Adopt and provide to the Participating States an</u>	487
<u>annual report;</u>	488
<u>23. Determine whether a State's enacted compact is</u>	489
<u>materially different from the Model Compact language such that</u>	490
<u>the State would not qualify for participation in the Compact;</u>	491
<u>and</u>	492
<u>24. Perform such other functions as may be necessary or</u>	493
<u>appropriate to achieve the purposes of this Compact.</u>	494
<u>D. Meetings of the Commission</u>	495
<u>1. All meetings of the Commission that are not closed</u>	496
<u>pursuant to this subsection shall be open to the public. Notice</u>	497

of public meetings shall be posted on the Commission's website 498
at least thirty (30) days prior to the public meeting. 499

2. Notwithstanding subsection D.1 of this section, the 500
Commission may convene an emergency public meeting by providing 501
at least twenty-four (24) hours prior notice on the Commission's 502
website, and any other means as provided in the Commission's 503
Rules, for any of the reasons it may dispense with notice of 504
proposed rulemaking under Section 9.L. The Commission's legal 505
counsel shall certify that one of the reasons justifying an 506
emergency public meeting has been met. 507

3. Notice of all Commission meetings shall provide the 508
time, date, and location of the meeting, and if the meeting is 509
to be held or accessible via telecommunication, video 510
conference, or other electronic means, the notice shall include 511
the mechanism for access to the meeting through such means. 512

4. The Commission may convene in a closed, non-public 513
meeting for the Commission to receive legal advice or to 514
discuss: 515

a. Non-compliance of a Participating State with its 516
obligations under the Compact; 517

b. The employment, compensation, discipline or other 518
matters, practices or procedures related to specific employees 519
or other matters related to the Commission's internal personnel 520
practices and procedures; 521

c. Current or threatened discipline of a Licensee or 522
Compact Privilege holder by the Commission or by a Participating 523
State's Licensing Authority; 524

d. Current, threatened, or reasonably anticipated 525
litigation; 526

<u>e. Negotiation of contracts for the purchase, lease, or</u>	527
<u>sale of goods, services, or real estate;</u>	528
<u>f. Accusing any person of a crime or formally censuring</u>	529
<u>any person;</u>	530
<u>g. Trade secrets or commercial or financial information</u>	531
<u>that is privileged or confidential;</u>	532
<u>h. Information of a personal nature where disclosure would</u>	533
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	534
<u>i. Investigative records compiled for law enforcement</u>	535
<u>purposes;</u>	536
<u>j. Information related to any investigative reports</u>	537
<u>prepared by or on behalf of or for use of the Commission or</u>	538
<u>other committee charged with responsibility of investigation or</u>	539
<u>determination of compliance issues pursuant to the Compact;</u>	540
<u>k. Legal advice;</u>	541
<u>l. Matters specifically exempted from disclosure to the</u>	542
<u>public by federal or Participating State law; and</u>	543
<u>m. Other matters as promulgated by the Commission by Rule.</u>	544
<u>5. If a meeting, or portion of a meeting, is closed, the</u>	545
<u>presiding officer shall state that the meeting will be closed</u>	546
<u>and reference each relevant exempting provision, and such</u>	547
<u>reference shall be recorded in the minutes.</u>	548
<u>6. The Commission shall keep minutes that fully and</u>	549
<u>clearly describe all matters discussed in a meeting and shall</u>	550
<u>provide a full and accurate summary of actions taken, and the</u>	551
<u>reasons therefore, including a description of the views</u>	552
<u>expressed. All documents considered in connection with an action</u>	553

shall be identified in such minutes. All minutes and documents 554
of a closed meeting shall remain under seal, subject to release 555
only by a majority vote of the Commission or order of a court of 556
competent jurisdiction. 557

E. Financing of the Commission 558

1. The Commission shall pay, or provide for the payment 559
of, the reasonable expenses of its establishment, organization, 560
and ongoing activities. 561

2. The Commission may accept any and all appropriate 562
sources of revenue, donations, and grants of money, equipment, 563
supplies, materials, and services. 564

3. The Commission may levy on and collect an annual 565
assessment from each Participating State and impose fees on 566
Licensees of Participating States when a Compact Privilege is 567
granted, to cover the cost of the operations and activities of 568
the Commission and its staff, which must be in a total amount 569
sufficient to cover its annual budget as approved each fiscal 570
year for which sufficient revenue is not provided by other 571
sources. The aggregate annual assessment amount for 572
Participating States shall be allocated based upon a formula 573
that the Commission shall promulgate by Rule. 574

4. The Commission shall not incur obligations of any kind 575
prior to securing the funds adequate to meet the same; nor shall 576
the Commission pledge the credit of any Participating State, 577
except by and with the authority of the Participating State. 578

5. The Commission shall keep accurate accounts of all 579
receipts and disbursements. The receipts and disbursements of 580
the Commission shall be subject to the financial review and 581
accounting procedures established under its bylaws. All receipts 582

and disbursements of funds handled by the Commission shall be 583
subject to an annual financial review by a certified or licensed 584
public accountant, and the report of the financial review shall 585
be included in and become part of the annual report of the 586
Commission. 587

F. The Executive Board 588

1. The Executive Board shall have the power to act on 589
behalf of the Commission according to the terms of this Compact. 590
The powers, duties, and responsibilities of the Executive Board 591
shall include: 592

a. Overseeing the day-to-day activities of the 593
administration of the Compact including compliance with the 594
provisions of the Compact, the Commission's Rules and bylaws; 595

b. Recommending to the Commission changes to the Rules or 596
bylaws, changes to this Compact legislation, fees charged to 597
Compact Participating States, fees charged to Licensees, and 598
other fees; 599

c. Ensuring Compact administration services are 600
appropriately provided, including by contract; 601

d. Preparing and recommending the budget; 602

e. Maintaining financial records on behalf of the 603
Commission; 604

f. Monitoring Compact compliance of Participating States 605
and providing compliance reports to the Commission; 606

g. Establishing additional committees as necessary; 607

h. Exercising the powers and duties of the Commission 608
during the interim between Commission meetings, except for 609

adopting or amending Rules, adopting or amending bylaws, and 610
exercising any other powers and duties expressly reserved to the 611
Commission by Rule or bylaw; and 612

i. Other duties as provided in the Rules or bylaws of the 613
Commission. 614

2. The Executive Board shall be composed of up to seven 615
(7) members: 616

a. The Chair, Vice Chair, Secretary and Treasurer of the 617
Commission and any other members of the Commission who serve on 618
the Executive Board shall be voting members of the Executive 619
Board; and 620

b. Other than the Chair, Vice Chair, Secretary, and 621
Treasurer, the Commission may elect up to three (3) voting 622
members from the current membership of the Commission. 623

3. The Commission may remove any member of the Executive 624
Board as provided in the Commission's bylaws. 625

4. The Executive Board shall meet at least annually. 626

a. An Executive Board meeting at which it takes or intends 627
to take formal action on a matter shall be open to the public, 628
except that the Executive Board may meet in a closed, non-public 629
session of a public meeting when dealing with any of the matters 630
covered under subsection D.4. 631

b. The Executive Board shall give five (5) business days' 632
notice of its public meetings, posted on its website and as it 633
may otherwise determine to provide notice to persons with an 634
interest in the public matters the Executive Board intends to 635
address at those meetings. 636

5. The Executive Board may hold an emergency meeting when 637

<u>acting for the Commission to:</u>	638
<u>a. Meet an imminent threat to public health, safety, or</u>	639
<u>welfare;</u>	640
<u>b. Prevent a loss of Commission or Participating State</u>	641
<u>funds; or</u>	642
<u>c. Protect public health and safety.</u>	643
<u>G. Qualified Immunity, Defense, and Indemnification</u>	644
<u>1. The members, officers, executive director, employees</u>	645
<u>and representatives of the Commission shall be immune from suit</u>	646
<u>and liability, both personally and in their official capacity,</u>	647
<u>for any claim for damage to or loss of property or personal</u>	648
<u>injury or other civil liability caused by or arising out of any</u>	649
<u>actual or alleged act, error, or omission that occurred, or that</u>	650
<u>the person against whom the claim is made had a reasonable basis</u>	651
<u>for believing occurred within the scope of Commission</u>	652
<u>employment, duties or responsibilities; provided that nothing in</u>	653
<u>this paragraph shall be construed to protect any such person</u>	654
<u>from suit or liability for any damage, loss, injury, or</u>	655
<u>liability caused by the intentional or willful or wanton</u>	656
<u>misconduct of that person. The procurement of insurance of any</u>	657
<u>type by the Commission shall not in any way compromise or limit</u>	658
<u>the immunity granted hereunder.</u>	659
<u>2. The Commission shall defend any member, officer,</u>	660
<u>executive director, employee, and representative of the</u>	661
<u>Commission in any civil action seeking to impose liability</u>	662
<u>arising out of any actual or alleged act, error, or omission</u>	663
<u>that occurred within the scope of Commission employment, duties,</u>	664
<u>or responsibilities, or as determined by the Commission that the</u>	665
<u>person against whom the claim is made had a reasonable basis for</u>	666

believing occurred within the scope of Commission employment, 667
duties, or responsibilities; provided that nothing herein shall 668
be construed to prohibit that person from retaining their own 669
counsel at their own expense; and provided further, that the 670
actual or alleged act, error, or omission did not result from 671
that person's intentional or willful or wanton misconduct. 672

3. Notwithstanding subsection G.1 of this section, should 673
any member, officer, executive director, employee, or 674
representative of the Commission be held liable for the amount 675
of any settlement or judgment arising out of any actual or 676
alleged act, error, or omission that occurred within the scope 677
of that individual's employment, duties, or responsibilities for 678
the Commission, or that the person to whom that individual is 679
liable had a reasonable basis for believing occurred within the 680
scope of the individual's employment, duties, or 681
responsibilities for the Commission, the Commission shall 682
indemnify and hold harmless such individual, provided that the 683
actual or alleged act, error, or omission did not result from 684
the intentional or willful or wanton misconduct of the 685
individual. 686

4. Nothing herein shall be construed as a limitation on 687
the liability of any Licensee for professional malpractice or 688
misconduct, which shall be governed solely by any other 689
applicable State laws. 690

5. Nothing in this Compact shall be interpreted to waive 691
or otherwise abrogate a Participating State's state action 692
immunity or state action affirmative defense with respect to 693
antitrust claims under the Sherman Act, Clayton Act, or any 694
other State or federal antitrust or anticompetitive law or 695
regulation. 696

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Participating States or by the Commission. 697
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SECTION 8. DATA SYSTEM 700

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and the presence of Significant Investigative Information on all Licensees and applicants for a License in Participating States. 701
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B. Notwithstanding any other provision of State law to the contrary, a Participating State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including: 707
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1. Identifying information; 712

2. Licensure data; 713

3. Adverse Actions against a Licensee, License applicant or Compact Privilege and information related thereto; 714
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4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation; 716
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5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding the reporting of any criminal history record information where prohibited by law); 720
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6. The presence of Significant Investigative Information; 723
and 724

7. Other information that may facilitate the 725
administration of this Compact or the protection of the public, 726
as determined by the Rules of the Commission. 727

C. The records and information provided to a Participating 728
State pursuant to this Compact or through the Data System, when 729
certified by the Commission or an agent thereof, shall 730
constitute the authenticated business records of the Commission, 731
and shall be entitled to any associated hearsay exception in any 732
relevant judicial, quasi-judicial or administrative proceedings 733
in a Participating State. 734

D. Significant Investigative Information pertaining to a 735
Licensee in any Participating State will only be available to 736
other Participating States. 737

E. It is the responsibility of the Participating States to 738
monitor the database to determine whether Adverse Action has 739
been taken against a Licensee or License applicant. Adverse 740
Action information pertaining to a Licensee or License applicant 741
in any Participating State will be available to any other 742
Participating State. 743

F. Participating States contributing information to the 744
Data System may designate information that may not be shared 745
with the public without the express permission of the 746
contributing State. 747

G. Any information submitted to the Data System that is 748
subsequently expunged pursuant to federal law or the laws of the 749
Participating State contributing the information shall be 750
removed from the Data System. 751

SECTION 9. RULEMAKING 752

A. The Commission shall promulgate reasonable Rules in 753

order to effectively and efficiently implement and administer 754
the purposes and provisions of the Compact. A Commission Rule 755
shall be invalid and have no force or effect only if a court of 756
competent jurisdiction holds that the Rule is invalid because 757
the Commission exercised its rulemaking authority in a manner 758
that is beyond the scope and purposes of the Compact, or the 759
powers granted hereunder, or based upon another applicable 760
standard of review. 761

B. The Rules of the Commission shall have the force of law 762
in each Participating State, provided however that where the 763
Rules of the Commission conflict with the laws of the 764
Participating State that establish the Participating State's 765
Scope of Practice as held by a court of competent jurisdiction, 766
the Rules of the Commission shall be ineffective in that State 767
to the extent of the conflict. 768

C. The Commission shall exercise its Rulemaking powers 769
pursuant to the criteria set forth in this section and the Rules 770
adopted thereunder. Rules shall become binding as of the date 771
specified by the Commission for each Rule. 772

D. If a majority of the legislatures of the Participating 773
States rejects a Commission Rule or portion of a Commission 774
Rule, by enactment of a statute or resolution in the same manner 775
used to adopt the Compact, within four (4) years of the date of 776
adoption of the Rule, then such Rule shall have no further force 777
and effect in any Participating State or to any State applying 778
to participate in the Compact. 779

E. Rules shall be adopted at a regular or special meeting 780
of the Commission. 781

F. Prior to adoption of a proposed Rule, the Commission 782

shall hold a public hearing and allow persons to provide oral 783
and written comments, data, facts, opinions, and arguments. 784

G. Prior to adoption of a proposed Rule by the Commission, 785
and at least thirty (30) days in advance of the meeting at which 786
the Commission will hold a public hearing on the proposed Rule, 787
the Commission shall provide a Notice of Proposed Rulemaking: 788

1. On the website of the Commission or other publicly 789
accessible platform; 790

2. To persons who have requested notice of the 791
Commission's notices of proposed rulemaking, and 792

3. In such other way(s) as the Commission may by Rule 793
specify. 794

H. The Notice of Proposed Rulemaking shall include: 795

1. The time, date, and location of the public hearing at 796
which the Commission will hear public comments on the proposed 797
Rule and, if different, the time, date, and location of the 798
meeting where the Commission will consider and vote on the 799
proposed Rule; 800

2. If the hearing is held via telecommunication, video 801
conference, or other electronic means, the Commission shall 802
include the mechanism for access to the hearing in the Notice of 803
Proposed Rulemaking; 804

3. The text of the proposed Rule and the reason therefor; 805

4. A request for comments on the proposed Rule from any 806
interested person; and 807

5. The manner in which interested persons may submit 808
written comments. 809

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public. 810
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J. Nothing in this section shall be construed as requiring a separate hearing on each Commission Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section. 814
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K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the rulemaking record. 818
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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. 821
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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. 824
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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. 828
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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 833
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after the effective date of the Rule. For the purposes of this 839
provision, an emergency Rule is one that must be adopted 840
immediately in order to: 841

1. Meet an imminent threat to public health, safety, or 842
welfare; 843

2. Prevent a loss of Commission or Participating State 844
funds; 845

3. Meet a deadline for the promulgation of a Rule that is 846
established by federal law or rule; or 847

4. Protect public health and safety. 848

M. The Commission or an authorized committee of the 849
Commission may direct revisions to a previously adopted Rule for 850
purposes of correcting typographical errors, errors in format, 851
errors in consistency, or grammatical errors. Public notice of 852
any revisions shall be posted on the website of the Commission. 853
The revision shall be subject to challenge by any person for a 854
period of thirty (30) days after posting. The revision may be 855
challenged only on grounds that the revision results in a 856
material change to a Rule. A challenge shall be made in writing 857
and delivered to the Commission prior to the end of the notice 858
period. If no challenge is made, the revision will take effect 859
without further action. If the revision is challenged, the 860
revision may not take effect without the approval of the 861
Commission. 862

N. No Participating State's rulemaking requirements shall 863
apply under this Compact 864

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 865

A. Oversight 866

1. The executive and judicial branches of State government 867
in each Participating State shall enforce this Compact and take 868
all actions necessary and appropriate to implement the Compact. 869

2. Venue is proper and judicial proceedings by or against 870
the Commission shall be brought solely and exclusively in a 871
court of competent jurisdiction where the principal office of 872
the Commission is located. The Commission may waive venue and 873
jurisdictional defenses to the extent it adopts or consents to 874
participate in alternative dispute resolution proceedings. 875
Nothing herein shall affect or limit the selection or propriety 876
of venue in any action against a Licensee for professional 877
malpractice, misconduct or any such similar matter. 878

3. The Commission shall be entitled to receive service of 879
process in any proceeding regarding the enforcement or 880
interpretation of the Compact or Commission Rule and shall have 881
standing to intervene in such a proceeding for all purposes. 882
Failure to provide the Commission service of process shall 883
render a judgment or order void as to the Commission, this 884
Compact, or promulgated Rules. 885

B. Default, Technical Assistance, and Termination 886

1. If the Commission determines that a Participating State 887
has defaulted in the performance of its obligations or 888
responsibilities under this Compact or the promulgated Rules, 889
the Commission shall provide written notice to the defaulting 890
State. The notice of default shall describe the default, the 891
proposed means of curing the default, and any other action that 892
the Commission may take, and shall offer training and specific 893
technical assistance regarding the default. 894

2. The Commission shall provide a copy of the notice of 895

default to the other Participating States. 896

C. If a State in default fails to cure the default, the 897
defaulting State may be terminated from the Compact upon an 898
affirmative vote of a majority of the Commissioners, and all 899
rights, privileges and benefits conferred on that State by this 900
Compact may be terminated on the effective date of termination. 901
A cure of the default does not relieve the offending State of 902
obligations or liabilities incurred during the period of 903
default. 904

D. Termination of participation in the Compact shall be 905
imposed only after all other means of securing compliance have 906
been exhausted. Notice of intent to suspend or terminate shall 907
be given by the Commission to the governor, the majority and 908
minority leaders of the defaulting State's legislature, the 909
defaulting State's State Licensing Authority or Authorities, as 910
applicable, and each of the Participating States' State 911
Licensing Authority or Authorities, as applicable. 912

E. A State that has been terminated is responsible for all 913
assessments, obligations, and liabilities incurred through the 914
effective date of termination, including obligations that extend 915
beyond the effective date of termination. 916

F. Upon the termination of a State's participation in this 917
Compact, that State shall immediately provide notice to all 918
Licensees of the State, including Licensees of other 919
Participating States issued a Compact Privilege to practice 920
within that State, of such termination. The terminated State 921
shall continue to recognize all Compact Privileges then in 922
effect in that State for a minimum of one hundred eighty (180) 923
days after the date of said notice of termination. 924

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State. 925
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H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. 929
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I. Dispute Resolution 935

1. Upon request by a Participating State, the Commission shall attempt to resolve disputes related to the Compact that arise among Participating States and between Participating States and non-Participating States. 936
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2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 940
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J. Enforcement 943

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules. 944
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2. By majority vote, the Commission may initiate legal action against a Participating State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is 947
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necessary, the prevailing party shall be awarded all costs of 954
such litigation, including reasonable attorney's fees. The 955
remedies herein shall not be the exclusive remedies of the 956
Commission. The Commission may pursue any other remedies 957
available under federal or the defaulting Participating State's 958
law. 959

3. A Participating State may initiate legal action against 960
the Commission in the U.S. District Court for the District of 961
Columbia or the federal district where the Commission has its 962
principal offices to enforce compliance with the provisions of 963
the Compact and its promulgated Rules. The relief sought may 964
include both injunctive relief and damages. In the event 965
judicial enforcement is necessary, the prevailing party shall be 966
awarded all costs of such litigation, including reasonable 967
attorney's fees. 968

4. No individual or entity other than a Participating 969
State may enforce this Compact against the Commission. 970

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 971

A. The Compact shall come into effect on the date on which 972
the Compact statute is enacted into law in the seventh 973
Participating State. 974

1. On or after the effective date of the Compact, the 975
Commission shall convene and review the enactment of each of the 976
States that enacted the Compact prior to the Commission 977
convening ("Charter Participating States") to determine if the 978
statute enacted by each such Charter Participating State is 979
materially different than the Model Compact. 980

a. A Charter Participating State whose enactment is found 981
to be materially different from the Model Compact shall be 982

<u>entitled to the default process set forth in Section 10.</u>	983
<u>b. If any Participating State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Participating States should be less than seven (7).</u>	984 985 986 987 988
<u>2. Participating States enacting the Compact subsequent to the Charter Participating States shall be subject to the process set forth in Section 7.C.23 to determine if their enactments are materially different from the Model Compact and whether they qualify for participation in the Compact.</u>	989 990 991 992 993
<u>3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.</u>	994 995 996 997 998 999
<u>4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Commission's Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.</u>	1000 1001 1002 1003 1004 1005 1006
<u>B. Any Participating State may withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.</u>	1007 1008 1009
<u>1. A Participating State's withdrawal shall not take effect until one hundred eighty (180) days after enactment of</u>	1010 1011

the repealing statute. 1012

2. Withdrawal shall not affect the continuing requirement 1013
of the withdrawing State's Licensing Authority or Authorities to 1014
comply with the investigative and Adverse Action reporting 1015
requirements of this Compact prior to the effective date of 1016
withdrawal. 1017

3. Upon the enactment of a statute withdrawing from this 1018
Compact, the State shall immediately provide notice of such 1019
withdrawal to all Licensees within that State. Notwithstanding 1020
any subsequent statutory enactment to the contrary, such 1021
withdrawing State shall continue to recognize all Compact 1022
Privileges to practice within that State granted pursuant to 1023
this Compact for a minimum of one hundred eighty (180) days 1024
after the date of such notice of withdrawal. 1025

C. Nothing contained in this Compact shall be construed to 1026
invalidate or prevent any licensure agreement or other 1027
cooperative arrangement between a Participating State and a non- 1028
Participating State that does not conflict with the provisions 1029
of this Compact. 1030

D. This Compact may be amended by the Participating 1031
States. No amendment to this Compact shall become effective and 1032
binding upon any Participating State until it is enacted into 1033
the laws of all Participating States. 1034

SECTION 12. CONSTRUCTION AND SEVERABILITY 1035

A. This Compact and the Commission's rulemaking authority 1036
shall be liberally construed so as to effectuate the purposes, 1037
and the implementation and administration of the Compact. 1038
Provisions of the Compact expressly authorizing or requiring the 1039
promulgation of Rules shall not be construed to limit the 1040

Commission's rulemaking authority solely for those purposes. 1041

B. The provisions of this Compact shall be severable and 1042
if any phrase, clause, sentence or provision of this Compact is 1043
held by a court of competent jurisdiction to be contrary to the 1044
constitution of any Participating State, a State seeking 1045
participation in the Compact, or of the United States, or the 1046
applicability thereof to any government, agency, person or 1047
circumstance is held to be unconstitutional by a court of 1048
competent jurisdiction, the validity of the remainder of this 1049
Compact and the applicability thereof to any other government, 1050
agency, person or circumstance shall not be affected thereby. 1051

C. Notwithstanding subsection B of this section, the 1052
Commission may deny a State's participation in the Compact or, 1053
in accordance with the requirements of Section 10.B, terminate a 1054
Participating State's participation in the Compact, if it 1055
determines that a constitutional requirement of a Participating 1056
State is a material departure from the Compact. Otherwise, if 1057
this Compact shall be held to be contrary to the constitution of 1058
any Participating State, the Compact shall remain in full force 1059
and effect as to the remaining Participating States and in full 1060
force and effect as to the Participating State affected as to 1061
all severable matters. 1062

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER 1063
STATE LAWS 1064

A. Nothing herein shall prevent or inhibit the enforcement 1065
of any other law of a Participating State that is not 1066
inconsistent with the Compact. 1067

B. Any laws, statutes, regulations, or other legal 1068
requirements in a Participating State in conflict with the 1069

Compact are superseded to the extent of the conflict. 1070

C. All permissible agreements between the Commission and 1071
the Participating States are binding in accordance with their 1072
terms. 1073

Sec. 4715.272. (A) Not later than sixty days after the 1074
"Dentist and Dental Hygienist Compact" is entered into under 1075
section 4715.271 of the Revised Code, the state dental board, in 1076
accordance with Section 7 of the compact, shall select one 1077
individual to serve as a commissioner to the dentist and dental 1078
hygienist compact commission created under the compact. The 1079
board shall fill a vacancy in this position not later than sixty 1080
days after the vacancy occurs. 1081

(B) The board may establish a fee for a licensee from a 1082
compact state to apply for compact privilege or renew compact 1083
privilege. The board may reduce or waive this fee for an active- 1084
duty military individual or that individual's spouse in 1085
accordance with Section 5 of the compact. 1086

Section 2. Section 1 of this act takes effect January 1, 1087
2025. 1088