

**As Passed by the Senate**

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**Sub. S. B. No. 40**

**Senator Roegner**

**Cosponsors: Senators Hackett, Johnson, Huffman, S., Cirino, Craig, DeMora,  
Gavarone, Hoagland, Landis, Lang, McColley, Reineke, Reynolds, Romanchuk,  
Wilson**

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**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 47  
regulate the practice of dentistry and dental hygiene within its 48  
borders to Dentists and Dental Hygienists who practice in the 49  
State through a Compact Privilege; 50

I. Promotes the cooperation of Participating State in 51  
regulating the practice of dentistry and dental hygiene within 52  
those States; 53

J. Facilitates the relocation of military members and 54  
their spouses who are licensed to practice dentistry or dental 55  
hygiene; 56

**SECTION 2. DEFINITIONS** 57

As used in this Compact, unless the context requires 58  
otherwise, the following definitions shall apply: 59

A. "Active Military Member" means any individual in full- 60  
time duty status in the armed forces of the United States 61  
including members of the National Guard and Reserve. 62

B. "Adverse Action" means disciplinary action or 63  
encumbrance imposed on a License or Compact Privilege by a State 64  
Licensing Authority. 65

C. "Alternative Program" means a non-disciplinary 66  
monitoring or practice remediation process applicable to a 67  
Dentist or Dental Hygienist approved by a State Licensing 68  
Authority of a Participating State in which the Dentist or 69  
Dental Hygienist is licensed. This includes, but is not limited 70  
to, programs to which Licensees with substance abuse or 71  
addiction issues are referred in lieu of Adverse Action. 72

D. "Clinical Assessment" means examination or process, 73

required for licensure as a Dentist or Dental Hygienist as 74  
applicable, that provides evidence of clinical competence in 75  
dentistry or dental hygiene. 76

E. "Commissioner" means the individual appointed by a 77  
Participating State to serve as the member of the Commission for 78  
that Participating State. 79

F. "Compact" means this Dentist and Dental Hygienist 80  
Compact. 81

G. "Compact Privilege" means the authorization granted by 82  
a Remote State to allow a Licensee from a Participating State to 83  
practice as a Dentist or Dental Hygienist in a Remote State. 84

H. "Continuing Professional Development" means a 85  
requirement, as a condition of License renewal to provide 86  
evidence of successful participation in educational or 87  
professional activities relevant to practice or area of work. 88

I. "Criminal Background Check" means the submission of 89  
fingerprints or other biometric-based information for a License 90  
applicant for the purpose of obtaining that applicant's criminal 91  
history record information, as defined in 28 C.F.R. § 20.3(d) 92  
from the Federal Bureau of Investigation and the State's 93  
criminal history record repository as defined in 28 C.F.R. § 94  
20.3(f). 95

J. "Data System" means the Commission's repository of 96  
information about Licensees, including but not limited to 97  
examination, licensure, investigative, Compact Privilege, 98  
Adverse Action, and Alternative Program. 99

K. "Dental Hygienist" means an individual who is licensed 100  
by a State Licensing Authority to practice dental hygiene. 101

- L. "Dentist" means an individual who is licensed by a State Licensing Authority to practice dentistry. 102  
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- M. "Dentist and Dental Hygienist Compact Commission" or "Commission" means a joint government agency established by this Compact comprised of each State that has enacted the Compact and a national administrative body comprised of a Commissioner from each State that has enacted the Compact. 104  
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- N. "Encumbered License" means a License that a State Licensing Authority has limited in any way other than through an Alternative Program. 109  
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- O. "Executive Board" means the Chair, Vice Chair, Secretary and Treasurer and any other Commissioners as may be determined by Commission Rule or bylaw. 112  
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- P. "Jurisprudence Requirement" means the assessment of an individual's knowledge of the laws and Rules governing the practice of dentistry or dental hygiene, as applicable, in a State. 115  
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- Q. "License" means current authorization by a State, other than authorization pursuant to a Compact Privilege, or other privilege, for an individual to practice as a Dentist or Dental Hygienist in that State. 119  
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- R. "Licensee" means an individual who holds an unrestricted License from a Participating State to practice as a Dentist or Dental Hygienist in that State. 123  
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- S. "Model Compact" the model for the Dentist and Dental Hygienist Compact on file with the Council of State Governments or other entity as designated by the Commission. 126  
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- T. "Participating State" means a State that has enacted 129

the Compact and been admitted to the Commission in accordance 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

<u>practices of dentistry and dental hygiene.</u>	159
<u>AA. "State Licensing Authority" means an agency or other</u>	160
<u>entity of a State that is responsible for the licensing and</u>	161
<u>regulation of Dentists or Dental Hygienists.</u>	162
<b><u>SECTION 3. STATE PARTICIPATION IN THE COMPACT</u></b>	163
<u>A. In order to join the Compact and thereafter continue as</u>	164
<u>a Participating State, a State must:</u>	165
<u>1. Enact a compact that is not materially different from</u>	166
<u>the Model Compact as determined in accordance with Commission</u>	167
<u>Rules;</u>	168
<u>2. Participate fully in the Commission's Data System;</u>	169
<u>3. Have a mechanism in place for receiving and</u>	170
<u>investigating complaints about its Licensees and License</u>	171
<u>applicants;</u>	172
<u>4. Notify the Commission, in compliance with the terms of</u>	173
<u>the Compact and Commission Rules, of any Adverse Action or the</u>	174
<u>availability of Significant Investigative Information regarding</u>	175
<u>a Licensee and License applicant;</u>	176
<u>5. Fully implement a Criminal Background Check</u>	177
<u>requirement, within a time frame established by Commission Rule,</u>	178
<u>by receiving the results of a qualifying Criminal Background</u>	179
<u>Check;</u>	180
<u>6. Comply with the Commission Rules applicable to a</u>	181
<u>Participating State;</u>	182
<u>7. Accept the National Board Examinations of the Joint</u>	183
<u>Commission on National Dental Examinations or another</u>	184
<u>examination accepted by Commission Rule as a licensure</u>	185

<u>examination;</u>	186
<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
<b><u>SECTION 4. COMPACT PRIVILEGE</u></b>	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

service of a subpoena by mail at the Licensee's primary 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 License, the Licensee shall lose the Compact Privilege in a Remote State and shall not be eligible for a Compact Privilege in any Remote State until the License is no longer encumbered. 300  
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F. Once an Encumbered License in a Participating State is restored to good standing, the Licensee must meet the requirements of subsection A of this section to obtain a Compact Privilege in a Remote State. 304  
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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: 308  
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1. The specific period of time for which the Compact Privilege was removed has ended; and 312  
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2. All conditions for removal of the Compact Privilege have been satisfied. 314  
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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. 316  
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**SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES** 320

An Active Military Member 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 Military Member and their spouse for a Compact Privilege. 321  
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**SECTION 6. ADVERSE ACTIONS** 327

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. 328  
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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. 331  
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C. Nothing in this Compact shall override a Participating State's decision that participation in an Alternative Program may be used in lieu of Adverse Action and that such participation shall remain non-public if required by the Participating State's laws. Participating States must require Licensees who enter any Alternative Program in lieu of discipline to agree not to practice pursuant to a Compact Privilege in any other Participating State during the term of the Alternative Program without prior authorization from such other Participating State. 335  
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D. Any Participating State in which a Licensee is applying to practice or is practicing pursuant to a Compact Privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other Participating State in which the Dentist or Dental Hygienist holds a License or Compact Privilege. 345  
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E. A Remote State shall have the authority to: 351

1. Take Adverse Actions as set forth in Section 4.D against a Licensee's Compact Privilege in the State; 352  
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2. In furtherance of its rights and responsibilities under the Compact and the Commission's Rules issue subpoenas for both hearings and investigations that require the attendance and 354  
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<u>testimony of witnesses, and the production of evidence.</u>	357
<u>Subpoenas issued by a State Licensing Authority in a</u>	358
<u>Participating State for the attendance and testimony of</u>	359
<u>witnesses, or the production of evidence from another</u>	360
<u>Participating State, shall be enforced in the latter State by</u>	361
<u>any court of competent jurisdiction, according to the practice</u>	362
<u>and procedure of that court applicable to subpoenas issued in</u>	363
<u>proceedings pending before it. The issuing authority shall pay</u>	364
<u>any witness fees, travel expenses, mileage, and other fees</u>	365
<u>required by the service statutes of the State where the</u>	366
<u>witnesses or evidence are located; and</u>	367
<u>3. If otherwise permitted by State law, recover from the</u>	368
<u>Licensee the costs of investigations and disposition of cases</u>	369
<u>resulting from any Adverse Action taken against that Licensee.</u>	370
<u>F. Joint Investigations</u>	371
<u>1. In addition to the authority granted to a Participating</u>	372
<u>State by its Dentist or Dental Hygienist licensure act or other</u>	373
<u>applicable State law, a Participating State may jointly</u>	374
<u>investigate Licensees with other Participating States.</u>	375
<u>2. Participating States shall share any Significant</u>	376
<u>Investigative Information, litigation, or compliance materials</u>	377
<u>in furtherance of any joint or individual investigation</u>	378
<u>initiated under the Compact.</u>	379
<u>G. Authority to Continue Investigation</u>	380
<u>1. After a Licensee's Compact Privilege in a Remote State</u>	381
<u>is terminated, the Remote State may continue an investigation of</u>	382
<u>the Licensee that began when the Licensee had a Compact</u>	383
<u>Privilege in that Remote State.</u>	384
<u>2. If the investigation yields what would be Significant</u>	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

<u>8. Purchase and maintain insurance and bonds;</u>	441
<u>9. Borrow, accept, or contract for services of personnel,</u>	442
<u>including, but not limited to, employees of a Participating</u>	443
<u>State;</u>	444
<u>10. Conduct an annual financial review;</u>	445
<u>11. Hire employees, elect or appoint officers, fix</u>	446
<u>compensation, define duties, grant such individuals appropriate</u>	447
<u>authority to carry out the purposes of the Compact, and</u>	448
<u>establish the Commission's personnel policies and programs</u>	449
<u>relating to conflicts of interest, qualifications of personnel,</u>	450
<u>and other related personnel matters;</u>	451
<u>12. As set forth in the Commission Rules, charge a fee to</u>	452
<u>a Licensee for the grant of a Compact Privilege in a Remote</u>	453
<u>State and thereafter, as may be established by Commission Rule,</u>	454
<u>charge the Licensee a Compact Privilege renewal fee for each</u>	455
<u>renewal period in which that Licensee exercises or intends to</u>	456
<u>exercise the Compact Privilege in that Remote State. Nothing</u>	457
<u>herein shall be construed to prevent a Remote State from</u>	458
<u>charging a Licensee a fee for a Compact Privilege or renewals of</u>	459
<u>a Compact Privilege, or a fee for the Jurisprudence Requirement</u>	460
<u>if the Remote State imposes such a requirement for the grant of</u>	461
<u>a Compact Privilege;</u>	462
<u>13. Accept any and all appropriate gifts, donations,</u>	463
<u>grants of money, other sources of revenue, equipment, supplies,</u>	464
<u>materials, and services, and receive, utilize, and dispose of</u>	465
<u>the same; provided that at all times the Commission shall avoid</u>	466
<u>any appearance of impropriety and/or conflict of interest;</u>	467
<u>14. Lease, purchase, retain, own, hold, improve, or use</u>	468
<u>any property, real, personal, or mixed, or any undivided</u>	469

<u>interest therein;</u>	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

pursuant to this subsection shall be open to the public. Notice 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

<u>litigation;</u>	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

expressed. All documents considered in connection with an action 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  
Licenses 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

<u>5. The Executive Board may hold an emergency meeting when</u>	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

person against whom the claim is made had a reasonable basis for 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 697  
waiver of sovereign immunity by the Participating States or by 698  
the Commission. 699

**SECTION 8. DATA SYSTEM** 700

A. The Commission shall provide for the development, 701  
maintenance, operation, and utilization of a coordinated 702  
database and reporting system containing licensure, Adverse 703  
Action, and the presence of Significant Investigative 704  
Information on all Licensees and applicants for a License in 705  
Participating States. 706

B. Notwithstanding any other provision of State law to the 707  
contrary, a Participating State shall submit a uniform data set 708  
to the Data System on all individuals to whom this Compact is 709  
applicable as required by the Rules of the Commission, 710  
including: 711

1. Identifying information; 712

2. Licensure data; 713

3. Adverse Actions against a Licensee, License applicant 714  
or Compact Privilege and information related thereto; 715

4. Non-confidential information related to Alternative 716  
Program participation, the beginning and ending dates of such 717  
participation, and other information related to such 718  
participation; 719

5. Any denial of an application for licensure, and the 720  
reason(s) for such denial, (excluding the reporting of any 721  
criminal history record information where prohibited by law); 722

<u>6. The presence of Significant Investigative Information;</u>	723
<u>and</u>	724
<u>7. Other information that may facilitate the</u>	725
<u>administration of this Compact or the protection of the public,</u>	726
<u>as determined by the Rules of the Commission.</u>	727
<u>C. The records and information provided to a Participating</u>	728
<u>State pursuant to this Compact or through the Data System, when</u>	729
<u>certified by the Commission or an agent thereof, shall</u>	730
<u>constitute the authenticated business records of the Commission,</u>	731
<u>and shall be entitled to any associated hearsay exception in any</u>	732
<u>relevant judicial, quasi-judicial or administrative proceedings</u>	733
<u>in a Participating State.</u>	734
<u>D. Significant Investigative Information pertaining to a</u>	735
<u>Licensee in any Participating State will only be available to</u>	736
<u>other Participating States.</u>	737
<u>E. It is the responsibility of the Participating States to</u>	738
<u>monitor the database to determine whether Adverse Action has</u>	739
<u>been taken against a Licensee or License applicant. Adverse</u>	740
<u>Action information pertaining to a Licensee or License applicant</u>	741
<u>in any Participating State will be available to any other</u>	742
<u>Participating State.</u>	743
<u>F. Participating States contributing information to the</u>	744
<u>Data System may designate information that may not be shared</u>	745
<u>with the public without the express permission of the</u>	746
<u>contributing State.</u>	747
<u>G. Any information submitted to the Data System that is</u>	748
<u>subsequently expunged pursuant to federal law or the laws of the</u>	749
<u>Participating State contributing the information shall be</u>	750
<u>removed from the Data System.</u>	751

**SECTION 9. RULEMAKING**

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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

<u>of the Commission.</u>	781
<u>F. Prior to adoption of a proposed Rule, the Commission</u>	782
<u>shall hold a public hearing and allow persons to provide oral</u>	783
<u>and written comments, data, facts, opinions, and arguments.</u>	784
<u>G. Prior to adoption of a proposed Rule by the Commission,</u>	785
<u>and at least thirty (30) days in advance of the meeting at which</u>	786
<u>the Commission will hold a public hearing on the proposed Rule,</u>	787
<u>the Commission shall provide a Notice of Proposed Rulemaking:</u>	788
<u>1. On the website of the Commission or other publicly</u>	789
<u>accessible platform;</u>	790
<u>2. To persons who have requested notice of the</u>	791
<u>Commission's notices of proposed rulemaking, and</u>	792
<u>3. In such other way(s) as the Commission may by Rule</u>	793
<u>specify.</u>	794
<u>H. The Notice of Proposed Rulemaking shall include:</u>	795
<u>1. The time, date, and location of the public hearing at</u>	796
<u>which the Commission will hear public comments on the proposed</u>	797
<u>Rule and, if different, the time, date, and location of the</u>	798
<u>meeting where the Commission will consider and vote on the</u>	799
<u>proposed Rule;</u>	800
<u>2. If the hearing is held via telecommunication, video</u>	801
<u>conference, or other electronic means, the Commission shall</u>	802
<u>include the mechanism for access to the hearing in the Notice of</u>	803
<u>Proposed Rulemaking;</u>	804
<u>3. The text of the proposed Rule and the reason therefor;</u>	805
<u>4. A request for comments on the proposed Rule from any</u>	806
<u>interested person; and</u>	807

<u>5. The manner in which interested persons may submit</u>	808
<u>written comments.</u>	809
<u>I. All hearings will be recorded. A copy of the recording</u>	810
<u>and all written comments and documents received by the</u>	811
<u>Commission in response to the proposed Rule shall be available</u>	812
<u>to the public.</u>	813
<u>J. Nothing in this section shall be construed as requiring</u>	814
<u>a separate hearing on each Commission Rule. Rules may be grouped</u>	815
<u>for the convenience of the Commission at hearings required by</u>	816
<u>this section.</u>	817
<u>K. The Commission shall, by majority vote of all</u>	818
<u>Commissioners, take final action on the proposed Rule based on</u>	819
<u>the rulemaking record.</u>	820
<u>1. The Commission may adopt changes to the proposed Rule</u>	821
<u>provided the changes do not enlarge the original purpose of the</u>	822
<u>proposed Rule.</u>	823
<u>2. The Commission shall provide an explanation of the</u>	824
<u>reasons for substantive changes made to the proposed Rule as</u>	825
<u>well as reasons for substantive changes not made that were</u>	826
<u>recommended by commenters.</u>	827
<u>3. The Commission shall determine a reasonable effective</u>	828
<u>date for the Rule. Except for an emergency as provided in</u>	829
<u>subsection L, the effective date of the Rule shall be no sooner</u>	830
<u>than thirty (30) days after the Commission issuing the notice</u>	831
<u>that it adopted or amended the Rule.</u>	832
<u>L. Upon determination that an emergency exists, the</u>	833
<u>Commission may consider and adopt an emergency Rule with 24</u>	834
<u>hours' notice, with opportunity to comment, provided that the</u>	835
<u>usual rulemaking procedures provided in the Compact and in this</u>	836

section shall be retroactively applied to the Rule as soon as 837  
reasonably possible, in no event later than ninety (90) days 838  
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

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

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

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

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B. Default, Technical Assistance, and Termination

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

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2. The Commission shall provide a copy of the notice of default to the other Participating States. 895  
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C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Commissioners, and all rights, privileges and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default. 897  
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D. Termination of participation in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority or Authorities, as applicable, and each of the Participating States' State Licensing Authority or Authorities, as applicable. 905  
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E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination. 913  
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F. Upon the termination of a State's participation in this Compact, that State shall immediately provide notice to all Licensees of the State, including Licensees of other Participating States issued a Compact Privilege to practice within that State, of such termination. The terminated State shall continue to recognize all Compact Privileges then in effect in that State for a minimum of one hundred eighty (180) days after the date of said notice of termination. 917  
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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