

House Engrossed Senate Bill

~~appropriation; on-farm irrigation efficiency fund~~
(now: compact; dentists; dental hygienists)

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SENATE BILL 1448

AN ACT

AMENDING TITLE 32, CHAPTER 11, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 9; RELATING TO THE DENTISTS AND DENTAL HYGIENISTS COMPACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 11, Arizona Revised Statutes, is
3 amended by adding article 9, to read:

4 ARTICLE 9. DENTIST AND DENTAL HYGIENIST COMPACT

5 32-1299.51. Dentists and dental hygienists; compact

6 SECTION 1. TITLE AND PURPOSE

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

21 1. ENABLES DENTISTS AND DENTAL HYGIENISTS WHO QUALIFY FOR A COMPACT
22 PRIVILEGE TO PRACTICE IN OTHER PARTICIPATING STATES WITHOUT SATISFYING
23 BURDENSOME AND DUPLICATIVE REQUIREMENTS ASSOCIATED WITH SECURING A LICENSE
24 TO PRACTICE IN THOSE STATES.

25 2. PROMOTES MOBILITY AND ADDRESSES WORKFORCE SHORTAGES THROUGH EACH
26 PARTICIPATING STATE'S ACCEPTANCE OF A COMPACT PRIVILEGE TO PRACTICE IN
27 THAT STATE.

28 3. INCREASES PUBLIC ACCESS TO QUALIFIED, LICENSED DENTISTS AND
29 DENTAL HYGIENISTS BY CREATING A RESPONSIBLE, STREAMLINED PATHWAY FOR
30 LICENSEES TO PRACTICE IN PARTICIPATING STATES.

31 4. ENHANCES THE ABILITY OF PARTICIPATING STATES TO PROTECT THE
32 PUBLIC HEALTH AND SAFETY.

33 5. DOES NOT INTERFERE WITH LICENSURE REQUIREMENTS ESTABLISHED BY A
34 PARTICIPATING STATE.

35 6. FACILITATES THE SHARING OF LICENSURE AND DISCIPLINARY
36 INFORMATION AMONG PARTICIPATING STATES.

37 7. REQUIRES DENTISTS AND DENTAL HYGIENISTS WHO PRACTICE IN A
38 PARTICIPATING STATE PURSUANT TO A COMPACT PRIVILEGE TO PRACTICE WITHIN THE
39 SCOPE OF PRACTICE AUTHORIZED IN THAT STATE.

40 8. EXTENDS THE AUTHORITY OF A PARTICIPATING STATE TO REGULATE THE
41 PRACTICES OF DENTISTRY AND DENTAL HYGIENE WITHIN ITS BORDERS TO DENTISTS
42 AND DENTAL HYGIENISTS WHO PRACTICE IN THE STATE THROUGH A COMPACT
43 PRIVILEGE.

44 9. PROMOTES THE COOPERATION OF PARTICIPATING STATES IN REGULATING
45 THE PRACTICES OF DENTISTRY AND DENTAL HYGIENE WITHIN THOSE STATES.

1 10. FACILITATES THE RELOCATION OF ACTIVE MILITARY MEMBERS AND THEIR
2 SPOUSES WHO ARE LICENSED TO PRACTICE DENTISTRY OR DENTAL HYGIENE.

3 SECTION 2. DEFINITIONS

4 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 1. "ACTIVE MILITARY MEMBER" MEANS ANY PERSON WHO HAS FULL-TIME DUTY
6 STATUS IN THE ARMED FORCES OF THE UNITED STATES, INCLUDING MEMBERS OF THE
7 NATIONAL GUARD AND RESERVE.

8 2. "ADVERSE ACTION" MEANS A DISCIPLINARY ACTION OR ENCUMBRANCE
9 IMPOSED ON A LICENSE OR COMPACT PRIVILEGE BY A STATE LICENSING AUTHORITY.

10 3. "ALTERNATIVE PROGRAM":

11 (a) MEANS A NONDISCIPLINARY MONITORING OR PRACTICE REMEDIATION
12 PROCESS THAT APPLIES TO A DENTIST OR DENTAL HYGIENIST AND THAT IS APPROVED
13 BY A STATE LICENSING AUTHORITY OF A PARTICIPATING STATE IN WHICH THE
14 DENTIST OR DENTAL HYGIENIST IS LICENSED.

15 (b) INCLUDES BUT IS NOT LIMITED TO PROGRAMS TO WHICH LICENSEES WITH
16 SUBSTANCE ABUSE OR ADDICTION ISSUES ARE REFERRED IN LIEU OF ADVERSE
17 ACTION.

18 4. "CLINICAL ASSESSMENT" MEANS AN EXAMINATION OR PROCESS THAT IS
19 REQUIRED FOR LICENSURE AS A DENTIST OR DENTAL HYGIENIST, AS APPLICABLE,
20 AND THAT PROVIDES EVIDENCE OF CLINICAL COMPETENCE IN DENTISTRY OR DENTAL
21 HYGIENE.

22 5. "COMMISSIONER" MEANS THE INDIVIDUAL WHO IS APPOINTED BY A
23 PARTICIPATING STATE TO SERVE AS THE MEMBER OF THE COMMISSION FOR THAT
24 PARTICIPATING STATE.

25 6. "COMPACT" MEANS THIS DENTIST AND DENTAL HYGIENIST COMPACT.

26 7. "COMPACT PRIVILEGE" MEANS THE AUTHORIZATION GRANTED BY A REMOTE
27 STATE TO ALLOW A LICENSEE FROM A PARTICIPATING STATE TO PRACTICE AS A
28 DENTIST OR DENTAL HYGIENIST IN A REMOTE STATE.

29 8. "CONTINUING PROFESSIONAL DEVELOPMENT" MEANS A REQUIREMENT, AS A
30 CONDITION OF LICENSE RENEWAL, TO PROVIDE EVIDENCE OF SUCCESSFUL
31 PARTICIPATION IN EDUCATIONAL OR PROFESSIONAL ACTIVITIES RELEVANT TO THE
32 LICENSEE'S PRACTICE OR AREA OF WORK.

33 9. "CRIMINAL BACKGROUND CHECK" MEANS THE SUBMISSION OF FINGERPRINTS
34 OR OTHER BIOMETRIC-BASED INFORMATION OF A LICENSE APPLICANT TO OBTAIN THAT
35 APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION, AS DEFINED IN 28 CODE OF
36 FEDERAL REGULATIONS SECTION 20.3(d), FROM THE FEDERAL BUREAU OF
37 INVESTIGATION AND THE STATE'S CRIMINAL HISTORY RECORD REPOSITORY AS
38 DEFINED IN 28 CODE OF FEDERAL REGULATIONS SECTION 20.3(f).

39 10. "DATA SYSTEM" MEANS THE COMMISSION'S REPOSITORY OF INFORMATION
40 ABOUT LICENSEES, INCLUDING EXAMINATION, LICENSURE, INVESTIGATIVE, COMPACT
41 PRIVILEGE, ADVERSE ACTION AND ALTERNATIVE PROGRAM.

42 11. "DENTAL HYGIENIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A
43 STATE LICENSING AUTHORITY TO PRACTICE DENTAL HYGIENE.

44 12. "DENTIST" MEANS AN INDIVIDUAL WHO IS LICENSED BY A STATE
45 LICENSING AUTHORITY TO PRACTICE DENTISTRY.

1 13. "DENTIST AND DENTAL HYGIENIST COMPACT COMMISSION" OR
2 "COMMISSION" MEANS THE JOINT GOVERNMENT AGENCY ESTABLISHED BY THIS COMPACT
3 THAT IS COMPOSED OF EACH STATE THAT HAS ENACTED THIS COMPACT AND A
4 NATIONAL ADMINISTRATIVE BODY THAT IS COMPOSED OF A COMMISSIONER FROM EACH
5 STATE THAT HAS ENACTED THIS COMPACT.

6 14. "ENCUMBERED LICENSE" MEANS A LICENSE THAT A STATE LICENSING
7 AUTHORITY HAS LIMITED IN ANY WAY OTHER THAN THROUGH AN ALTERNATIVE
8 PROGRAM.

9 15. "EXECUTIVE BOARD" MEANS THE CHAIRPERSON, VICE CHAIRPERSON,
10 SECRETARY AND TREASURER AND ANY OTHER COMMISSIONERS AS MAY BE DETERMINED
11 BY COMMISSION RULE OR BYLAW.

12 16. "JURISPRUDENCE REQUIREMENTS" MEANS THE ASSESSMENT OF AN
13 INDIVIDUAL'S KNOWLEDGE OF THE LAWS AND RULES GOVERNING THAT PRACTICE OF
14 DENTISTRY OR DENTAL HYGIENE, AS APPLICABLE, IN A STATE.

15 17. "LICENSE" MEANS CURRENT AUTHORIZATION BY A STATE, OTHER THAN
16 AUTHORIZATION PURSUANT TO A COMPACT PRIVILEGE, OR OTHER PRIVILEGE, FOR AN
17 INDIVIDUAL TO PRACTICE AS A DENTIST OR DENTAL HYGIENIST IN THAT STATE.

18 18. "LICENSEE" MEANS AN INDIVIDUAL WHO HOLDS AN UNRESTRICTED
19 LICENSE FROM A PARTICIPATING STATE TO PRACTICE AS A DENTIST OR DENTAL
20 HYGIENIST IN THAT STATE.

21 19. "MODEL COMPACT" MEANS THE MODEL FOR THE DENTIST AND DENTAL
22 HYGIENIST COMPACT ON FILE WITH THE COUNCIL OF STATE GOVERNMENTS OR OTHER
23 ENTITY AS DESIGNATED BY THE COMMISSION.

24 20. "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED THIS
25 COMPACT AND THAT HAS BEEN ADMITTED TO THE COMMISSION IN ACCORDANCE WITH
26 THE PROVISIONS OF THIS COMPACT AND COMMISSION RULES.

27 21. "QUALIFYING LICENSE" MEANS A LICENSE THAT IS NOT AN ENCUMBERED
28 LICENSE ISSUED BY A PARTICIPATING STATE TO PRACTICE DENTISTRY OR DENTAL
29 HYGIENE.

30 22. "REMOTE STATE" MEANS A PARTICIPATING STATE WHERE A LICENSEE WHO
31 IS NOT LICENSED AS A DENTIST OR DENTAL HYGIENIST IS EXERCISING OR SEEKING
32 TO EXERCISE THE COMPACT PRIVILEGE.

33 23. "RULE" MEANS A REGULATION ADOPTED BY AN ENTITY THAT HAS THE
34 FORCE OF LAW.

35 24. "SCOPE OF PRACTICE":

36 (a) MEANS THE PROCEDURES, ACTIONS AND PROCESSES THAT A DENTIST OR
37 DENTAL HYGIENIST WHO IS LICENSED IN A STATE IS ALLOWED TO UNDERTAKE IN
38 THAT STATE AND THE CIRCUMSTANCES UNDER WHICH THE LICENSEE IS ALLOWED TO
39 UNDERTAKE THOSE PROCEDURES, ACTIONS AND PROCESSES.

40 (b) INCLUDES PROCEDURES, ACTIONS AND PROCESSES AND THE
41 CIRCUMSTANCES UNDER WHICH THEY MAY BE UNDERTAKEN, THAT ARE ESTABLISHED
42 THROUGH MEANS THAT INCLUDE STATUTES, REGULATIONS, CASE LAW AND OTHER
43 PROCESSES AVAILABLE TO THE STATE LICENSING AUTHORITY OR OTHER GOVERNMENT
44 AGENCY.

1 25. "SIGNIFICANT INVESTIGATIVE INFORMATION" MEANS INFORMATION,
2 RECORDS AND DOCUMENTS THAT ARE RECEIVED OR GENERATED BY A STATE LICENSING
3 AUTHORITY PURSUANT TO AN INVESTIGATION FOR WHICH A DETERMINATION HAS BEEN
4 MADE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE LICENSEE HAS
5 VIOLATED A STATUTE OR RULE THAT IS CONSIDERED MORE THAN A MINOR INFRACTION
6 FOR WHICH THE STATE LICENSING AUTHORITY COULD PURSUE ADVERSE ACTION
7 AGAINST THE LICENSEE.

8 26. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
9 THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICES OF DENTISTRY AND
10 DENTAL HYGIENE.

11 27. "STATE LICENSING AUTHORITY" MEANS AN AGENCY OR OTHER ENTITY OF
12 A STATE THAT IS RESPONSIBLE FOR THE LICENSING AND REGULATION OF DENTISTS
13 OR DENTAL HYGIENISTS, OR BOTH.

14 SECTION 3. STATE PARTICIPATION IN THE COMPACT

15 A. IN ORDER TO JOIN THIS COMPACT AND THEREAFTER CONTINUE AS A
16 PARTICIPATING STATE, A STATE MUST DO ALL OF THE FOLLOWING:

17 1. ENACT A COMPACT THAT IS NOT MATERIALLY DIFFERENT FROM THE MODEL
18 COMPACT AS DETERMINED IN ACCORDANCE WITH COMMISSION RULES.

19 2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM.

20 3. HAVE A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING
21 COMPLAINTS ABOUT ITS LICENSEES AND LICENSE APPLICANTS.

22 4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE
23 COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF
24 SIGNIFICANT INVESTIGATIVE INFORMATION REGARDING A LICENSEE OR LICENSE
25 APPLICANT.

26 5. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK REQUIREMENT, WITHIN
27 A TIME FRAME ESTABLISHED BY COMMISSION RULE, BY RECEIVING THE RESULTS OF A
28 QUALIFYING CRIMINAL BACKGROUND CHECK.

29 6. COMPLY WITH THE COMMISSION RULES APPLICABLE TO A PARTICIPATING
30 STATE.

31 7. ACCEPT THE NATIONAL BOARD EXAMINATIONS OF THE JOINT COMMISSION
32 ON NATIONAL DENTAL EXAMINATIONS OR ANOTHER EXAMINATION ACCEPTED BY
33 COMMISSION RULE AS A LICENSURE EXAMINATION.

34 8. ACCEPT FOR LICENSURE THAT APPLICANTS FOR A DENTIST LICENSE
35 GRADUATE FROM A PREDOCTORAL DENTAL EDUCATION PROGRAM ACCREDITED BY THE
36 COMMISSION ON DENTAL ACCREDITATION, OR ANOTHER ACCREDITING AGENCY
37 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION FOR THE
38 ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS, LEADING
39 TO A DOCTOR OF DENTAL SURGERY OR DOCTOR OF DENTAL MEDICINE DEGREE.

40 9. ACCEPT FOR LICENSURE THAT APPLICANTS FOR A DENTAL HYGIENIST
41 LICENSE GRADUATE FROM A DENTAL HYGIENE EDUCATION PROGRAM ACCREDITED BY THE
42 COMMISSION ON DENTAL ACCREDITATION OR ANOTHER ACCREDITING AGENCY
43 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION FOR THE
44 ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS.

1 10. REQUIRE FOR LICENSURE THAT APPLICANTS SUCCESSFULLY COMPLETE A
2 CLINICAL ASSESSMENT.

3 11. HAVE CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS AS A
4 CONDITION FOR LICENSE RENEWAL.

5 12. PAY A PARTICIPATION FEE TO THE COMMISSION AS ESTABLISHED BY
6 COMMISSION RULE.

7 B. PROVIDING ALTERNATIVE PATHWAYS FOR AN INDIVIDUAL TO OBTAIN AN
8 UNRESTRICTED LICENSE DOES NOT DISQUALIFY A STATE FROM PARTICIPATING IN
9 THIS COMPACT.

10 C. WHEN CONDUCTING A CRIMINAL BACKGROUND CHECK, THE STATE LICENSING
11 AUTHORITY SHALL DO ALL OF THE FOLLOWING:

12 1. CONSIDER THAT INFORMATION IN MAKING A LICENSURE DECISION.

13 2. MAINTAIN DOCUMENTATION OF COMPLETION OF THE CRIMINAL BACKGROUND
14 CHECK AND BACKGROUND CHECK INFORMATION TO THE EXTENT ALLOWED BY STATE AND
15 FEDERAL LAW.

16 3. REPORT TO THE COMMISSION WHETHER THE STATE LICENSING AUTHORITY
17 HAS COMPLETED THE CRIMINAL BACKGROUND CHECK AND WHETHER THE INDIVIDUAL WAS
18 GRANTED OR DENIED A LICENSE.

19 D. A LICENSEE OF A PARTICIPATING STATE WHO HAS A QUALIFYING LICENSE
20 IN THAT STATE AND WHO DOES NOT HOLD AN ENCUMBERED LICENSE IN ANY OTHER
21 PARTICIPATING STATE SHALL BE ISSUED A COMPACT PRIVILEGE IN A REMOTE STATE
22 IN ACCORDANCE WITH THE TERMS OF THIS COMPACT AND COMMISSION RULES. IF A
23 REMOTE STATE HAS A JURISPRUDENCE REQUIREMENT, A COMPACT PRIVILEGE WILL NOT
24 BE ISSUED TO THE LICENSEE UNLESS THE LICENSEE HAS SATISFIED THE
25 JURISPRUDENCE REQUIREMENT.

26 SECTION 4. COMPACT PRIVILEGE

27 A. TO OBTAIN AND EXERCISE THE COMPACT PRIVILEGE UNDER THE TERMS AND
28 PROVISIONS OF THIS COMPACT, A LICENSEE SHALL MEET ALL OF THE FOLLOWING:

29 1. HAVE A QUALIFYING LICENSE AS A DENTIST OR DENTAL HYGIENIST IN A
30 PARTICIPATING STATE.

31 2. BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY REMOTE STATE IN
32 ACCORDANCE WITH SUBSECTIONS D, G AND H OF THIS SECTION.

33 3. SUBMIT TO AN APPLICATION PROCESS WHENEVER THE LICENSEE IS
34 SEEKING A COMPACT PRIVILEGE.

35 4. PAY ANY APPLICABLE COMMISSION AND REMOTE STATE FEES FOR A
36 COMPACT PRIVILEGE IN THE REMOTE STATE.

37 5. MEET ANY JURISPRUDENCE REQUIREMENT ESTABLISHED BY A REMOTE STATE
38 IN WHICH THE LICENSEE IS SEEKING A COMPACT PRIVILEGE.

39 6. HAVE PASSED A NATIONAL BOARD EXAMINATION OF THE JOINT COMMISSION
40 ON NATIONAL DENTAL EXAMINATIONS OR ANOTHER EXAMINATION ACCEPTED BY
41 COMMISSION RULE.

42 7. FOR A DENTIST, HAVE GRADUATED FROM A PREDOCTORAL DENTAL
43 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION, OR
44 ANOTHER ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
45 EDUCATION FOR THE ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION

1 PROGRAMS, LEADING TO A DOCTOR OF DENTAL SURGERY OR DOCTOR OF DENTAL
2 MEDICINE DEGREE.

3 8. FOR A DENTAL HYGIENIST, HAVE GRADUATED FROM A DENTAL HYGIENE
4 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION OR
5 ANOTHER ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
6 EDUCATION FOR THE ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION
7 PROGRAMS.

8 9. HAVE SUCCESSFULLY COMPLETED A CLINICAL ASSESSMENT FOR LICENSURE.

9 10. REPORT TO THE COMMISSION ANY ADVERSE ACTION TAKEN BY A
10 NONPARTICIPATING STATE WHEN APPLYING FOR A COMPACT PRIVILEGE AND OTHERWISE
11 WITHIN THIRTY DAYS AFTER THE DATE THE ADVERSE ACTION IS TAKEN.

12 11. REPORT TO THE COMMISSION WHEN APPLYING FOR A COMPACT PRIVILEGE
13 THE ADDRESS OF THE LICENSEE'S PRIMARY RESIDENCE AND THEREAFTER IMMEDIATELY
14 REPORT TO THE COMMISSION ANY CHANGE IN THE ADDRESS OF THE LICENSEE'S
15 PRIMARY RESIDENCE.

16 12. CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE LICENSEE'S
17 PRIMARY RESIDENCE ON RECORD WITH THE COMMISSION WITH RESPECT TO ANY ACTION
18 BROUGHT AGAINST THE LICENSEE BY THE COMMISSION OR A PARTICIPATING STATE
19 AND CONSENT TO ACCEPT SERVICE OF A SUBPOENA BY MAIL AT THE LICENSEE'S
20 PRIMARY RESIDENCE ON RECORD WITH THE COMMISSION WITH RESPECT TO ANY ACTION
21 BROUGHT OR INVESTIGATION CONDUCTED BY THE COMMISSION OR A PARTICIPATING
22 STATE.

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

29 C. A LICENSEE WHO PROVIDES DENTISTRY OR DENTAL HYGIENE SERVICES IN
30 A REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE SCOPE
31 OF PRACTICE AUTHORIZED BY THE REMOTE STATE FOR A DENTIST OR DENTAL
32 HYGIENIST LICENSED IN THAT STATE.

33 D. A LICENSEE WHO PROVIDES DENTISTRY OR DENTAL HYGIENE SERVICES
34 PURSUANT TO A COMPACT PRIVILEGE IN A REMOTE STATE IS SUBJECT TO THE
35 STATE'S REGULATORY AUTHORITY. A REMOTE STATE MAY, IN ACCORDANCE WITH DUE
36 PROCESS AND THAT STATE'S LAWS, BY ADVERSE ACTION REVOKE OR REMOVE A
37 LICENSEE'S COMPACT PRIVILEGE IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF
38 TIME AND IMPOSE FINES OR TAKE ANY OTHER NECESSARY ACTION TO PROTECT THE
39 HEALTH AND SAFETY OF ITS CITIZENS. IF A REMOTE STATE IMPOSES AN ADVERSE
40 ACTION AGAINST A COMPACT PRIVILEGE THAT LIMITS THE COMPACT PRIVILEGE, THAT
41 ADVERSE ACTION APPLIES TO ALL COMPACT PRIVILEGES IN ALL REMOTE STATES. A
42 LICENSEE WHOSE COMPACT PRIVILEGE IN A REMOTE STATE IS REMOVED FOR A
43 SPECIFIED PERIOD OF TIME IS NOT ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY
44 OTHER REMOTE STATE UNTIL THE SPECIFIC TIME FOR REMOVAL OF THE COMPACT
45 PRIVILEGE HAS PASSED AND ALL ENCUMBRANCE REQUIREMENTS ARE SATISFIED.

1 E. IF A LICENSE IN A PARTICIPATING STATE IS AN ENCUMBERED LICENSE,
2 THE LICENSEE SHALL LOSE THE COMPACT PRIVILEGE IN A REMOTE STATE AND IS NOT
3 ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL THE LICENSE IS
4 NO LONGER ENCUMBERED.

5 F. ONCE AN ENCUMBERED LICENSE IN A PARTICIPATING STATE IS RESTORED
6 TO GOOD STANDING, THE LICENSEE MUST MEET THE REQUIREMENTS OF SUBSECTION A
7 OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN A REMOTE STATE.

8 G. IF A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE STATE IS REMOVED
9 BY THE REMOTE STATE, THE INDIVIDUAL SHALL LOSE OR BE INELIGIBLE FOR THE
10 COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL BOTH OF THE FOLLOWING OCCUR:

11 1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT PRIVILEGE WAS
12 REMOVED HAS ENDED.

13 2. ALL CONDITIONS FOR REMOVAL OF THE COMPACT PRIVILEGE HAVE BEEN
14 SATISFIED.

15 H. ONCE THE REQUIREMENTS OF SUBSECTION G OF THIS SECTION HAVE BEEN
16 MET, THE LICENSEE MUST MEET THE REQUIREMENTS PRESCRIBED IN SUBSECTION A OF
17 THIS SECTION TO OBTAIN A COMPACT PRIVILEGE IN A REMOTE STATE.

18 SECTION 5. ACTIVE MILITARY MEMBERS AND SPOUSES

19 AN ACTIVE MILITARY MEMBER AND THAT PERSON'S SPOUSE SHALL NOT BE
20 REQUIRED TO PAY TO THE COMMISSION FOR A COMPACT PRIVILEGE THE FEE THAT IS
21 OTHERWISE CHARGED BY THE COMMISSION. IF A REMOTE STATE CHOOSES TO CHARGE
22 A FEE FOR A COMPACT PRIVILEGE, IT MAY CHOOSE TO CHARGE A REDUCED FEE OR NO
23 FEE TO AN ACTIVE MILITARY MEMBER AND THAT PERSON'S SPOUSE FOR A COMPACT
24 PRIVILEGE.

25 SECTION 6. ADVERSE ACTIONS

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

29 B. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON THE
30 SIGNIFICANT INVESTIGATIVE INFORMATION OF A REMOTE STATE SO LONG AS THE
31 PARTICIPATING STATE FOLLOWS ITS OWN PROCEDURES FOR IMPOSING ADVERSE
32 ACTION.

33 C. THIS COMPACT DOES NOT OVERRIDE A PARTICIPATING STATE'S DECISION
34 THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF
35 ADVERSE ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF
36 REQUIRED BY THE PARTICIPATING STATE'S LAWS. PARTICIPATING STATES MUST
37 REQUIRE LICENSEES WHO ENTER ANY ALTERNATIVE PROGRAM IN LIEU OF DISCIPLINE
38 TO AGREE NOT TO PRACTICE PURSUANT TO A COMPACT PRIVILEGE IN ANY OTHER
39 PARTICIPATING STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT
40 PRIOR AUTHORIZATION FROM SUCH OTHER PARTICIPATING STATE.

41 D. ANY PARTICIPATING STATE IN WHICH A LICENSEE IS APPLYING TO
42 PRACTICE OR IS PRACTICING PURSUANT TO A COMPACT PRIVILEGE MAY INVESTIGATE
43 ACTUAL OR ALLEGED VIOLATIONS OF THE STATUTES AND RULES AUTHORIZING THE
44 PRACTICE OF DENTISTRY OR DENTAL HYGIENE IN ANY OTHER PARTICIPATING STATE

1 IN WHICH THE DENTIST OR DENTAL HYGIENIST HOLD A LICENSE OR COMPACT
2 PRIVILEGE.

3 E. A REMOTE STATE SHALL HAVE THE AUTHORITY TO DO ALL OF THE
4 FOLLOWING:

5 1. TAKE ADVERSE ACTIONS AS SET FORTH IN SECTION 4, SUBSECTION D OF
6 THIS COMPACT AGAINST A LICENSEE'S COMPACT PRIVILEGE IN THE STATE.

7 2. IN FURTHERANCE OF THE REMOTE STATE'S RIGHTS AND RESPONSIBILITIES
8 UNDER THIS COMPACT AND THE COMMISSION'S RULES, ISSUE SUBPOENAS FOR BOTH
9 HEARINGS AND INVESTIGATIONS THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF
10 WITNESSES AND THE PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A STATE
11 LICENSING AUTHORITY IN A PARTICIPATING STATE FOR THE ATTENDANCE AND
12 TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM ANOTHER
13 PARTICIPATING STATE SHALL BE ENFORCED IN THE LATTER STATE BY ANY COURT OF
14 COMPETENT JURISDICTION ACCORDING TO THE PRACTICE AND PROCEDURE OF THAT
15 COURT APPLICABLE TO SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.
16 THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES, MILEAGE
17 AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE WHERE THE
18 WITNESS OR EVIDENCE IS LOCATED.

19 3. IF OTHERWISE ALLOWED BY STATE LAW, RECOVER FROM THE LICENSEE THE
20 COSTS OF INVESTIGATIONS AND DISPOSITION OF CASES RESULTING FROM ANY
21 ADVERSE ACTION TAKEN AGAINST THE LICENSEE.

22 F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

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

27 2. PARTICIPATING STATES SHALL SHARE ANY SIGNIFICANT INVESTIGATIVE
28 INFORMATION OR LITIGATION OR COMPLIANCE MATERIALS IN FURTHERANCE OF ANY
29 JOINT OR INDIVIDUAL INVESTIGATION INITIATED UNDER THIS COMPACT.

30 G. THE AUTHORITY TO CONTINUE AN INVESTIGATION IS AS FOLLOWS:

31 1. AFTER A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE STATE IS
32 TERMINATED, THE REMOTE STATE MAY CONTINUE AN INVESTIGATION OF THE LICENSEE
33 THAT BEGAN WHEN THE LICENSEE HAD A COMPACT PRIVILEGE IN THAT REMOTE STATE.

34 2. IF THE INVESTIGATION YIELDS WHAT WOULD BE SIGNIFICANT
35 INVESTIGATIVE INFORMATION HAD THE LICENSEE CONTINUED TO HAVE A COMPACT
36 PRIVILEGE IN THAT REMOTE STATE, THE REMOTE STATE SHALL REPORT THE PRESENCE
37 OF SUCH INFORMATION TO THE DATA SYSTEM AS REQUIRED BY SECTION 8,
38 SUBSECTION B, PARAGRAPH 6 OF THIS COMPACT AS IF IT WERE SIGNIFICANT
39 INVESTIGATIVE INFORMATION.

40 SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION

41 A. THE COMPACT PARTICIPATING STATES HEREBY CREATE AND ESTABLISH A
42 JOINT GOVERNMENT AGENCY WHOSE MEMBERSHIP CONSISTS OF ALL PARTICIPATING
43 STATES THAT HAVE ENACTED THIS COMPACT. THE COMMISSION IS AN
44 INSTRUMENTALITY OF THE PARTICIPATING STATES ACTING JOINTLY AND NOT AN
45 INSTRUMENTALITY OF ANY ONE STATE. THE COMMISSION SHALL COME INTO

1 EXISTENCE ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT AS SET FORTH IN
2 SECTION 11, SUBSECTION A OF THIS COMPACT.

3 B. PARTICIPATION, VOTING AND MEETINGS OF THE COMMISSION ARE AS
4 FOLLOWS:

5 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED TO ONE
6 COMMISSIONER WHO IS SELECTED BY THAT PARTICIPATING STATE'S STATE LICENSING
7 AUTHORITY OR, IF THE STATE HAS MORE THAN ONE STATE LICENSING AUTHORITY,
8 SELECTED COLLECTIVELY BY THE STATE LICENSING AUTHORITIES.

9 2. THE COMMISSIONER SHALL BE A MEMBER OR DESIGNEE OF THE STATE
10 LICENSING AUTHORITY OR AUTHORITIES.

11 3. THE COMMISSION BY RULE OR BYLAW MAY ESTABLISH A TERM OF OFFICE
12 FOR COMMISSIONERS AND BY RULE OR BYLAW MAY ESTABLISH TERM LIMITS.

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

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

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

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

25 C. THE COMMISSION SHALL HAVE POWER TO DO ALL OF THE FOLLOWING:

26 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

27 2. ESTABLISH A CODE OF CONDUCT AND CONFLICT OF INTEREST POLICIES.

28 3. ADOPT RULES AND BYLAWS.

29 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH THE BYLAWS.

30 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH THIS COMPACT,
31 THE COMMISSION'S RULES AND THE BYLAWS.

32 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME
33 OF THE COMMISSION PROVIDED THAT THE STANDING OF ANY STATE LICENSING
34 AUTHORITY TO SUE OR BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.

35 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION PROVIDED TO A
36 PARTICIPATING STATE AS THE AUTHENTICATED BUSINESS RECORDS OF THE
37 COMMISSION AND DESIGNATE A PERSON TO DO SO ON THE COMMISSION'S BEHALF.

38 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

39 9. BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL, INCLUDING
40 EMPLOYEES OF A PARTICIPATING STATE.

41 10. CONDUCT AN ANNUAL FINANCIAL REVIEW.

42 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
43 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
44 THE PURPOSES OF THIS COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL

1 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
2 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.

3 12. AS SET FORTH IN COMMISSION RULES, CHARGE A FEE TO A LICENSEE
4 FOR GRANTING A COMPACT PRIVILEGE IN A REMOTE STATE AND THEREAFTER, AS MAY
5 BE ESTABLISHED BY COMMISSION RULE, CHARGE THE LICENSEE A COMPACT PRIVILEGE
6 RENEWAL FEE FOR EACH RENEWAL PERIOD IN WHICH THAT LICENSEE EXERCISES OR
7 INTENDS TO EXERCISE THE COMPACT PRIVILEGE IN THAT REMOTE STATE. THIS
8 PARAGRAPH DOES NOT PREVENT A REMOTE STATE FROM CHARGING A LICENSEE A FEE
9 FOR A COMPACT PRIVILEGE OR RENEWAL OF A COMPACT PRIVILEGE OR A FEE FOR THE
10 JURISPRUDENCE REQUIREMENT IF THE REMOTE STATE IMPOSES SUCH A REQUIREMENT
11 FOR GRANTING A COMPACT PRIVILEGE.

12 13. ACCEPT ANY APPROPRIATE GIFT, DONATION, GRANT OF MONIES, OTHER
13 SOURCE OF REVENUE, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES AND
14 RECEIVE, USE AND DISPOSE OF THE SAME IF THE COMMISSION AT ALL TIMES AVOIDS
15 ANY APPEARANCE OF IMPROPRIETY OR CONFLICT OF INTEREST.

16 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE OR USE ANY
17 PROPERTY, REAL, PERSONAL OR MIXED, OR ANY UNDIVIDED INTEREST THEREIN.

18 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
19 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

20 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

21 17. BORROW MONIES.

22 18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES, WHICH MAY BE
23 COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR
24 REPRESENTATIVES, AND CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED
25 PERSONS AS MAY BE DESIGNATED IN THIS COMPACT AND THE BYLAWS.

26 19. PROVIDE AND RECEIVE INFORMATION FROM AND COOPERATE WITH LAW
27 ENFORCEMENT AGENCIES.

28 20. ELECT A CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND TREASURER
29 AND SUCH OTHER OFFICERS OF THE COMMISSION AS PROVIDED IN THE COMMISSION'S
30 BYLAWS.

31 21. ESTABLISH AND ELECT AN EXECUTIVE BOARD.

32 22. ADOPT AND PROVIDE AN ANNUAL REPORT TO THE PARTICIPATING STATES.

33 23. DETERMINE WHETHER A STATE'S ENACTED COMPACT IS MATERIALLY
34 DIFFERENT FROM THE MODEL COMPACT LANGUAGE SUCH THAT THE STATE WOULD NOT
35 QUALIFY FOR PARTICIPATION IN THIS COMPACT.

36 24. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR APPROPRIATE
37 TO ACHIEVE THE PURPOSES OF THIS COMPACT.

38 D. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

39 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED PURSUANT TO
40 THIS SUBSECTION ARE OPEN TO THE PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL
41 BE POSTED ON THE COMMISSION'S WEBSITE AT LEAST THIRTY DAYS BEFORE THE
42 PUBLIC MEETING.

43 2. NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION, THE COMMISSION
44 MAY CONVENE AN EMERGENCY PUBLIC MEETING BY PROVIDING AT LEAST TWENTY-FOUR
45 HOURS' PRIOR NOTICE ON THE COMMISSION'S WEBSITE AND BY ANY OTHER MEANS

1 PROVIDED IN COMMISSION RULES, AND FOR ANY OF THE REASONS IT MAY DISPENSE
2 WITH NOTICE OF PROPOSED RULEMAKING UNDER SECTION 9, SUBSECTION L OF THIS
3 COMPACT. THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT ONE OF THE
4 REASONS JUSTIFYING AN EMERGENCY PUBLIC MEETING HAS BEEN MET.

5 3. NOTICE OF EACH COMMISSION MEETING SHALL PROVIDE THE TIME, DATE
6 AND LOCATION OF THE MEETING, AND IF THE MEETING IS TO BE HELD OR
7 ACCESSIBLE VIA TELECOMMUNICATION, VIDEO CONFERENCE OR OTHER ELECTRONIC
8 MEANS, THE NOTICE SHALL INCLUDE THE MECHANISM FOR ACCESSING THE MEETING
9 THROUGH SUCH MEANS.

10 4. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING FOR
11 THE COMMISSION TO RECEIVE LEGAL ADVICE OR TO DISCUSS ANY OF THE FOLLOWING:

12 (a) NONCOMPLIANCE OF A PARTICIPATING STATE WITH ITS OBLIGATIONS
13 UNDER THIS COMPACT.

14 (b) THE EMPLOYMENT, COMPENSATION OR DISCIPLINE OR ANY OTHER MATTER,
15 PRACTICE OR PROCEDURE RELATED TO A SPECIFIC EMPLOYEE OR ANY OTHER MATTER
16 RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND PROCEDURES.

17 (c) CURRENT OR THREATENED DISCIPLINE OF A LICENSEE OR COMPACT
18 PRIVILEGE HOLDER BY THE COMMISSION OR BY A PARTICIPATING STATE'S LICENSING
19 AUTHORITY.

20 (d) CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

21 (e) NEGOTIATION OF CONTRACTS FOR THE PURCHASE, LEASE OR SALE OF
22 GOODS, SERVICES OR REAL ESTATE.

23 (f) AN ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE OF
24 ANY PERSON.

25 (g) TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS
26 PRIVILEGED OR CONFIDENTIAL.

27 (h) INFORMATION OF A PERSONAL NATURE IF DISCLOSURE WOULD CONSTITUTE
28 A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY.

29 (i) INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES.

30 (j) INFORMATION RELATED TO ANY INVESTIGATIVE REPORT PREPARED BY OR
31 ON BEHALF OF OR FOR USE OF THE COMMISSION OR ANOTHER COMMITTEE CHARGED
32 WITH RESPONSIBILITY OF AN INVESTIGATION OR DETERMINATION OF COMPLIANCE
33 ISSUED PURSUANT TO THIS COMPACT.

34 (k) LEGAL ADVICE.

35 (l) ANY MATTER SPECIFICALLY EXEMPTED FROM DISCLOSURE TO THE PUBLIC
36 BY FEDERAL OR PARTICIPATING STATE LAW.

37 (m) ANY OTHER MATTER ADOPTED BY THE COMMISSION BY RULE.

38 5. IF A MEETING OR PORTION OF A MEETING IS CLOSED, THE PRESIDING
39 OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND REFERENCE EACH
40 RELEVANT EXEMPTING PROVISION, AND THE REFERENCE SHALL BE RECORDED IN THE
41 MINUTES.

42 6. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
43 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
44 ACCURATE SUMMARY OF ACTIONS TAKEN AND THE REASONS THEREFORE, INCLUDING A
45 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN

1 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
2 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
3 TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT
4 OF COMPETENT JURISDICTION.

5 E. FINANCING OF THE COMMISSION IS AS FOLLOWS:

6 1. THE COMMISSION SHALL PAY OR PROVIDE FOR THE PAYMENT OF THE
7 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
8 ACTIVITIES.

9 2. THE COMMISSION MAY ACCEPT ANY APPROPRIATE SOURCE OF REVENUE,
10 DONATION AND GRANT OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES.

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

19 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
20 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS, AND THE COMMISSION
21 SHALL NOT PLEDGE THE CREDIT OF ANY PARTICIPATING STATE EXCEPT BY AND WITH
22 THE AUTHORITY OF THE PARTICIPATING STATE.

23 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL OF ITS
24 RECEIPTS AND DISBURSEMENTS, WHICH ARE SUBJECT TO THE FINANCIAL REVIEW AND
25 ACCOUNTING PROCEDURES ESTABLISHED UNDER THE BYLAWS. ALL RECEIPTS AND
26 DISBURSEMENTS OF MONIES HANDLED BY THE COMMISSION ARE SUBJECT TO AN ANNUAL
27 FINANCIAL REVIEW BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
28 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN AND BECOME PART OF THE
29 ANNUAL REPORT OF THE COMMISSION.

30 F. THE EXECUTIVE BOARD SHALL BE GOVERNED AS FOLLOWS:

31 1. THE EXECUTIVE BOARD SHALL HAVE THE POWER TO ACT ON BEHALF OF THE
32 COMMISSION ACCORDING TO THE TERMS OF THIS COMPACT. THE POWERS, DUTIES AND
33 RESPONSIBILITIES OF THE EXECUTIVE BOARD INCLUDE:

34 (a) OVERSEEING THE DAY-TO-DAY ACTIVITIES OF ADMINISTERING THIS
35 COMPACT, INCLUDING COMPLIANCE WITH THIS COMPACT, COMMISSION RULES AND THE
36 BYLAWS.

37 (b) RECOMMENDING TO THE COMMISSION CHANGES TO THE RULES OR BYLAWS,
38 CHANGES TO THIS COMPACT LEGISLATION, FEES CHARGED TO PARTICIPATING STATES,
39 FEES CHARGED TO LICENSEES AND OTHER FEES.

40 (c) ENSURING THAT COMPACT ADMINISTRATION SERVICES ARE APPROPRIATELY
41 PROVIDED, INCLUDING BY CONTRACT.

42 (d) PREPARING AND RECOMMENDING THE BUDGET.

43 (e) MAINTAINING FINANCIAL RECORDS ON BEHALF OF THE COMMISSION.

44 (f) MONITORING COMPACT COMPLIANCE OF PARTICIPATING STATES AND
45 PROVIDING COMPLIANCE REPORTS TO THE COMMISSION.

1 (g) ESTABLISHING ADDITIONAL COMMITTEES AS NECESSARY.

2 (h) EXERCISING THE POWERS AND DUTIES OF THE COMMISSION DURING THE
3 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR AMENDING
4 RULES, ADOPTING OR AMENDING BYLAWS AND EXERCISING ANY OTHER POWERS AND
5 DUTIES EXPRESSLY RESERVED TO THE COMMISSION BY RULE OR BYLAW.

6 (i) PERFORMING ANY OTHER DUTY AS PROVIDED IN THE RULES OR BYLAWS OF
7 THE COMMISSION.

8 2. THE EXECUTIVE BOARD SHALL BE COMPOSED OF UP TO SEVEN MEMBERS AS
9 FOLLOWS:

10 (a) THE CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND TREASURER OF
11 THE COMMISSION AND ANY OTHER MEMBERS OF THE COMMISSION WHO SERVE ON THE
12 EXECUTIVE BOARD SHALL BE VOTING MEMBERS OF THE EXECUTIVE BOARD.

13 (b) OTHER THAN THE CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND
14 TREASURER, THE COMMISSION MAY ELECT UP TO THREE VOTING MEMBERS FROM THE
15 CURRENT MEMBERSHIP OF THE COMMISSION.

16 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE EXECUTIVE BOARD AS
17 PROVIDED IN THE COMMISSION'S BYLAWS.

18 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY AS FOLLOWS:

19 (a) AN EXECUTIVE BOARD MEETING AT WHICH IT TAKES OR INTENDS TO TAKE
20 FORMAL ACTION ON A MATTER SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE
21 EXECUTIVE BOARD MAY MEET IN A CLOSED, NONPUBLIC SESSION OF A PUBLIC
22 MEETING WHEN DEALING WITH ANY OF THE MATTERS COVERED UNDER SUBSECTION D,
23 PARAGRAPH 4 OF THIS SECTION.

24 (b) THE EXECUTIVE BOARD SHALL GIVE FIVE BUSINESS DAYS' NOTICE OF
25 ITS PUBLIC MEETINGS, POSTED ON ITS WEBSITE AND AS IT MAY OTHERWISE
26 DETERMINE TO PROVIDE NOTICE TO PERSONS WITH AN INTEREST IN THE PUBLIC
27 MATTERS THE EXECUTIVE BOARD INTENDS TO ADDRESS AT THOSE MEETINGS.

28 5. THE EXECUTIVE BOARD MAY HOLD AN EMERGENCY MEETING WHEN ACTING
29 FOR THE COMMISSION TO DO ANY OF THE FOLLOWING:

30 (a) MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

31 (b) PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE MONIES.

32 (c) PROTECT PUBLIC HEALTH AND SAFETY.

33 G. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:

34 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
35 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, BOTH
36 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR
37 LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
38 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED,
39 OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
40 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES
41 OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY PERSON FROM SUIT
42 OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE
43 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON. THE
44 PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT IN ANY
45 WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED HEREUNDER.

1 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
2 DIRECTOR, EMPLOYEE AND REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL
3 ACTION SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED
4 ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION
5 EMPLOYMENT, DUTIES OR RESPONSIBILITIES OR AS DETERMINED BY THE COMMISSION
6 THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS FOR
7 BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR
8 RESPONSIBILITIES, PROVIDED THAT THIS PARAGRAPH DOES NOT PROHIBIT THE
9 PERSON FROM RETAINING THE PERSON'S OWN COUNSEL AT THE PERSON'S OWN EXPENSE
10 AND PROVIDED FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID
11 NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON MISCONDUCT.

12 3. NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION, IF ANY MEMBER,
13 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
14 IS HELD LIABLE FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT ARISING OUT OF
15 ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE
16 SCOPE OF THAT INDIVIDUAL'S EMPLOYMENT, DUTIES OR RESPONSIBILITIES FOR THE
17 COMMISSION, OR THAT THE PERSON TO WHOM THAT INDIVIDUAL IS LIABLE HAD A
18 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF THE
19 INDIVIDUAL'S EMPLOYMENT, DUTIES OR RESPONSIBILITIES FOR THE COMMISSION,
20 THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS THAT INDIVIDUAL IF THE
21 ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE
22 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THE INDIVIDUAL.

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

26 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO WAIVE OR
27 OTHERWISE ABROGATE A PARTICIPATING STATE'S STATE ACTION IMMUNITY OR STATE
28 ACTION AFFIRMATIVE DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
29 SHERMAN ACT, THE CLAYTON ACT OR ANY OTHER STATE OR FEDERAL ANTITRUST OR
30 ANTICOMPETITIVE LAW OR REGULATION.

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

33 SECTION 8. DATA SYSTEM

34 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,
35 OPERATION AND UTILIZATION OF A COORDINATED DATABASE AND REPORTING SYSTEM
36 CONTAINING LICENSURE, ADVERSE ACTION AND THE PRESENCE OF SIGNIFICANT
37 INVESTIGATIVE INFORMATION ON ALL LICENSEES AND APPLICANTS FOR A LICENSE IN
38 PARTICIPATING STATES.

39 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
40 CONTRARY, A PARTICIPATING STATE SHALL SUBMIT A UNIFORM DATA SET TO THE
41 DATA SYSTEM ON ALL INDIVIDUALS TO WHOM THIS COMPACT IS APPLICABLE AS
42 REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING ALL OF THE FOLLOWING:

43 1. IDENTIFYING INFORMATION.

44 2. LICENSURE DATA.

1 3. ADVERSE ACTIONS AGAINST A LICENSEE, LICENSE APPLICANT OR COMPACT
2 PRIVILEGE HOLDER AND INFORMATION RELATED THERETO.

3 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
4 PARTICIPATION, THE BEGINNING AND ENDING DATES OF SUCH PARTICIPATION AND
5 OTHER INFORMATION RELATED TO SUCH PARTICIPATION.

6 5. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR
7 REASONS FOR SUCH DENIAL, EXCLUDING THE REPORTING OF ANY CRIMINAL HISTORY
8 RECORD INFORMATION WHERE PROHIBITED BY LAW.

9 6. THE PRESENCE OF SIGNIFICANT INVESTIGATIVE INFORMATION.

10 7. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
11 COMPACT OR THE PROTECTION OF THE PUBLIC, AS DETERMINED BY THE RULES OF THE
12 COMMISSION.

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

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

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

27 F. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM
28 MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT
29 THE EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

30 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
31 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE
32 PARTICIPATING STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE
33 DATA SYSTEM.

34 SECTION 9. RULEMAKING

35 A. THE COMMISSION SHALL ADOPT REASONABLE RULES IN ORDER TO
36 EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND ADMINISTER THE PURPOSES AND
37 PROVISIONS OF THIS COMPACT. A COMMISSION RULE SHALL BE INVALID AND HAVE
38 NO FORCE OR EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT
39 THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING
40 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND PURPOSES OF THIS
41 COMPACT, OR THE POWERS GRANTED HEREUNDER, OR BASED ON ANOTHER APPLICABLE
42 STANDARD OF REVIEW.

43 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW IN EACH
44 PARTICIPATING STATE, PROVIDED HOWEVER THAT WHERE THE RULES OF THE
45 COMMISSION CONFLICT WITH THE LAWS OF THE PARTICIPATING STATE THAT

1 ESTABLISH THE PARTICIPATING STATE'S SCOPE OF PRACTICE AS HELD BY A COURT
2 OF COMPETENT JURISDICTION, THE RULES OF THE COMMISSION SHALL BE
3 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.

4 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
5 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.
6 RULES SHALL BECOME BINDING AS OF THE DATE SPECIFIED BY THE COMMISSION FOR
7 EACH RULE.

8 D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING STATES
9 REJECT A COMMISSION RULE OR PORTION OF A COMMISSION RULE, BY ENACTING A
10 STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT THIS COMPACT,
11 WITHIN FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE, SUCH RULE SHALL
12 HAVE NO FURTHER FORCE AND EFFECT IN ANY PARTICIPATING STATE OR TO ANY
13 STATE APPLYING TO PARTICIPATE IN THIS COMPACT.

14 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE
15 COMMISSION.

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

19 G. BEFORE ADOPTION OF A PROPOSED RULE BY THE COMMISSION, AND AT
20 LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE COMMISSION WILL HOLD A
21 PUBLIC HEARING ON THE PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE
22 OF PROPOSED RULEMAKING:

23 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY ACCESSIBLE
24 PLATFORM.

25 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE COMMISSION'S NOTICES
26 OF PROPOSED RULEMAKING.

27 3. IN ANY OTHER WAY THE COMMISSION MAY BY RULE SPECIFY.

28 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
29 FOLLOWING:

30 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING AT WHICH THE
31 COMMISSION WILL HEAR PUBLIC COMMENTS ON THE PROPOSED RULE AND, IF
32 DIFFERENT, THE TIME, DATE AND LOCATION OF THE MEETING WHERE THE COMMISSION
33 WILL CONSIDER AND VOTE ON THE PROPOSED RULE.

34 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO CONFERENCE
35 OR OTHER ELECTRONIC MEANS, THE COMMISSION SHALL INCLUDE THE MECHANISM FOR
36 ACCESS TO THE HEARING IN THE NOTICE OF PROPOSED RULEMAKING.

37 3. THE TEXT OF THE PROPOSED RULE AND THE REASON THEREFOR.

38 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
39 PERSON.

40 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT WRITTEN
41 COMMENTS.

42 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING AND ALL
43 WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE COMMISSION IN RESPONSE TO
44 THE PROPOSED RULE SHALL BE AVAILABLE TO THE PUBLIC.

1 J. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH
2 COMMISSION RULE. RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE
3 COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.

4 K. THE COMMISSION, BY MAJORITY VOTE OF ALL COMMISSIONERS, SHALL
5 TAKE FINAL ACTION ON THE PROPOSED RULE BASED ON THE RULEMAKING RECORD AS
6 FOLLOWS:

7 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED RULE IF THE
8 CHANGES DO NOT ENLARGE THE ORIGINAL PURPOSE OF THE PROPOSED RULE.

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

12 3. THE COMMISSION SHALL DETERMINE A REASONABLE EFFECTIVE DATE FOR
13 THE RULE. EXCEPT FOR AN EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS
14 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NOT SOONER THAN THIRTY
15 DAYS AFTER THE COMMISSION ISSUES THE NOTICE THAT IT ADOPTED OR AMENDED THE
16 RULE.

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

25 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

26 2. PREVENT A LOSS OF COMMISSION OR PARTICIPATING STATE MONIES.

27 3. MEET A DEADLINE FOR THE ADOPTION OF A RULE THAT IS ESTABLISHED
28 BY FEDERAL LAW OR RULE.

29 4. PROTECT PUBLIC HEALTH AND SAFETY.

30 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
31 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE FOR PURPOSES OF CORRECTING
32 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
33 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
34 WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY
35 ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE
36 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE
37 TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE
38 COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE,
39 THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
40 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
41 COMMISSION.

42 N. A PARTICIPATING STATE'S RULEMAKING REQUIREMENTS DO NOT APPLY
43 UNDER THIS COMPACT.

1 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

2 A. OVERSIGHT IS AS FOLLOWS:

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

6 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
7 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
8 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
9 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
10 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
11 PROCEEDINGS. THIS SUBSECTION DOES NOT AFFECT OR LIMIT THE SELECTION OR
12 PROPRIETY OF VENUE IN ANY ACTION AGAINST A LICENSEE FOR PROFESSIONAL
13 MALPRACTICE, MISCONDUCT OR ANY SUCH SIMILAR MATTER.

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

20 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION ARE AS FOLLOWS:

21 1. IF THE COMMISSION DETERMINES THAT A PARTICIPATING STATE HAS
22 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER
23 THIS COMPACT OR THE ADOPTED RULES, THE COMMISSION SHALL PROVIDE WRITTEN
24 NOTICE TO THE DEFAULTING STATE. THE NOTICE OF DEFAULT SHALL DESCRIBE THE
25 DEFAULT, THE PROPOSED MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION
26 THAT THE COMMISSION MAY TAKE AND SHALL OFFER TRAINING AND SPECIFIC
27 TECHNICAL ASSISTANCE REGARDING THE DEFAULT.

28 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF DEFAULT TO
29 THE OTHER PARTICIPATING STATES.

30 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING
31 STATE MAY BE TERMINATED FROM THE COMPACT ON AN AFFIRMATIVE VOTE OF A
32 MAJORITY OF THE COMMISSIONERS AND ALL RIGHTS, PRIVILEGES AND BENEFITS
33 CONFERRED ON THAT STATE BY THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE
34 DATE OF TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING
35 STATE OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

36 D. TERMINATION OF PARTICIPATION IN THIS COMPACT SHALL BE IMPOSED
37 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED.
38 NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION
39 TO THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING
40 STATE'S LEGISLATURE, THE DEFAULTING STATE'S STATE LICENSING AUTHORITY OR
41 AUTHORITIES, AS APPLICABLE, AND EACH OF THE PARTICIPATING STATES' STATE
42 LICENSING AUTHORITY OR AUTHORITIES, AS APPLICABLE.

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

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

12 G. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT
13 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THIS COMPACT,
14 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING
15 STATE.

16 H. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
17 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
18 OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL
19 OFFICES. THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
20 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

21 I. DISPUTE RESOLUTION IS AS FOLLOWS:

22 1. ON REQUEST BY A PARTICIPATING STATE, THE COMMISSION SHALL
23 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE AMONG
24 PARTICIPATING STATES AND BETWEEN PARTICIPATING STATES AND NONPARTICIPATING
25 STATES.

26 2. THE COMMISSION SHALL ADOPT A RULE PROVIDING FOR BOTH MEDIATION
27 AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

28 J. ENFORCEMENT IS AS FOLLOWS:

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

31 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION
32 AGAINST A PARTICIPATING STATE IN DEFAULT IN THE UNITED STATES DISTRICT
33 COURT FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
34 COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE COMPLIANCE WITH THE
35 PROVISIONS OF THIS COMPACT AND ITS ADOPTED RULES. THE RELIEF SOUGHT MAY
36 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS
37 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH
38 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES. THE REMEDIES PRESCRIBED
39 IN THIS SUBSECTION ARE NOT THE EXCLUSIVE REMEDIES OF THE COMMISSION. THE
40 COMMISSION MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL OR THE
41 DEFAULTING PARTICIPATING STATE'S LAW.

42 3. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION AGAINST THE
43 COMMISSION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
44 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL
45 OFFICES TO ENFORCE COMPLIANCE WITH THIS COMPACT AND ITS ADOPTED

1 RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND
2 DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL
3 BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY
4 FEES.

5 4. NO INDIVIDUAL OR ENTITY OTHER THAN A PARTICIPATING STATE MAY
6 ENFORCE THIS COMPACT AGAINST THE COMMISSION.

7 SECTION 11. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

8 A. THIS COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH THE
9 COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH PARTICIPATING STATE AS
10 FOLLOWS:

11 1. ON OR AFTER THE EFFECTIVE DATE OF THIS COMPACT, THE COMMISSION
12 SHALL CONVENE AND REVIEW THE ENACTMENT OF EACH OF THE STATES THAT ENACTED
13 THIS COMPACT BEFORE THE COMMISSION CONVENING ("CHARTER PARTICIPATING
14 STATES") TO DETERMINE WHETHER THE STATUTE ENACTED BY EACH SUCH CHARTER
15 PARTICIPATING STATE IS MATERIALLY DIFFERENT THAN THE MODEL COMPACT AS
16 FOLLOWS:

17 (a) A CHARTER PARTICIPATING STATE WHOSE ENACTMENT IS FOUND TO BE
18 MATERIALLY DIFFERENT FROM THE MODEL COMPACT SHALL BE ENTITLED TO THE
19 DEFAULT PROCESS SET FORTH IN SECTION 10 OF THIS COMPACT.

20 (b) IF ANY PARTICIPATING STATE IS LATER FOUND TO BE IN DEFAULT OR
21 IS TERMINATED OR WITHDRAWS FROM THIS COMPACT, THE COMMISSION SHALL REMAIN
22 IN EXISTENCE AND THIS COMPACT SHALL REMAIN IN EFFECT EVEN IF THE NUMBER OF
23 PARTICIPATING STATES SHOULD BE LESS THAN SEVEN.

24 2. PARTICIPATING STATES ENACTING THIS COMPACT SUBSEQUENT TO THE
25 CHARTER PARTICIPATING STATES SHALL BE SUBJECT TO THE PROCESS SET FORTH IN
26 SECTION 7, SUBSECTION C, PARAGRAPH 23 OF THIS COMPACT TO DETERMINE WHETHER
27 THEIR ENACTMENTS ARE MATERIALLY DIFFERENT FROM THE MODEL COMPACT AND
28 WHETHER THEY QUALIFY FOR PARTICIPATION IN THIS COMPACT.

29 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION OR IN
30 FURTHERANCE OF THE PURPOSES OF THE ADMINISTRATION OF THIS COMPACT BEFORE
31 THE EFFECTIVE DATE OF THIS COMPACT OR THE COMMISSION COMING INTO EXISTENCE
32 SHALL BE CONSIDERED TO BE ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY
33 REPUDIATED BY THE COMMISSION.

34 4. ANY STATE THAT JOINS THIS COMPACT SUBSEQUENT TO THE COMMISSION'S
35 INITIAL ADOPTION OF THE RULES AND BYLAWS SHALL BE SUBJECT TO THE
36 COMMISSION'S RULES AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THIS
37 COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN PREVIOUSLY
38 ADOPTED BY THE COMMISSION SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON
39 THE DAY THIS COMPACT BECOMES LAW IN THAT STATE.

40 B. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT BY
41 ENACTING A STATUTE REPEALING THAT STATE'S ENACTMENT OF THIS COMPACT AS
42 FOLLOWS:

43 1. A PARTICIPATING STATE'S WITHDRAWAL SHALL NOT TAKE EFFECT UNTIL
44 ONE HUNDRED EIGHTY DAYS AFTER ENACTMENT OF THE REPEALING STATUTE.

1 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING REQUIREMENT OF THE
2 WITHDRAWING STATE'S LICENSING AUTHORITY OR AUTHORITIES TO COMPLY WITH THE
3 INVESTIGATIVE AND ADVERSE ACTION REPORTING REQUIREMENTS OF THIS COMPACT
4 BEFORE THE EFFECTIVE DATE OF WITHDRAWAL.

5 3. ON THE ENACTMENT OF A STATUTE WITHDRAWING FROM THIS COMPACT, THE
6 STATE SHALL IMMEDIATELY PROVIDE NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES
7 WITHIN THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT STATUTORY ENACTMENT TO
8 THE CONTRARY, SUCH WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL
9 COMPACT PRIVILEGES TO PRACTICE WITHIN THAT STATE GRANTED PURSUANT TO THIS
10 COMPACT FOR A MINIMUM OF ONE HUNDRED EIGHTY DAYS AFTER THE DATE OF SUCH
11 NOTICE OF WITHDRAWAL.

12 C. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY LICENSURE
13 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTICIPATING STATE
14 AND A NONPARTICIPATING STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
15 THIS COMPACT.

16 D. THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES. AN
17 AMENDMENT TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY
18 PARTICIPATING STATE UNTIL THE AMENDMENT IS ENACTED INTO THE LAWS OF ALL
19 PARTICIPATING STATES.

20 SECTION 12. CONSTRUCTION AND SEVERABILITY

21 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE
22 LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES AND THE
23 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. PROVISIONS OF THIS
24 COMPACT EXPRESSLY AUTHORIZING OR REQUIRING THE ADOPTION OF RULES SHALL NOT
25 BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING AUTHORITY SOLELY FOR
26 THOSE PURPOSES.

27 B. THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF ANY
28 PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS COMPACT IS HELD BY A COURT
29 OF COMPETENT JURISDICTION TO BE CONTRARY TO THE CONSTITUTION OF ANY
30 PARTICIPATING STATE, A STATE SEEKING PARTICIPATION IN THIS COMPACT OR OF
31 THE UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY GOVERNMENT, AGENCY,
32 PERSON OR CIRCUMSTANCE IS HELD TO BE UNCONSTITUTIONAL BY A COURT OF
33 COMPETENT JURISDICTION, THE VALIDITY OF THE REMAINDER OF THIS COMPACT AND
34 THE APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY, PERSON OR
35 CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

36 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COMMISSION MAY
37 DENY A STATE'S PARTICIPATION IN THIS COMPACT OR, IN ACCORDANCE WITH THE
38 REQUIREMENTS OF SECTION 10, SUBSECTION B OF THIS COMPACT, TERMINATE A
39 PARTICIPATING STATE'S PARTICIPATION IN THIS COMPACT, IF IT DETERMINES THAT
40 A CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS A MATERIAL
41 DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS COMPACT IS HELD TO BE
42 CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE, THIS COMPACT
43 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTICIPATING
44 STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTICIPATING STATE AFFECTED
45 AS TO ALL SEVERABLE MATTERS.

1 SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

2 A. THIS COMPACT DOES NOT PREVENT OR INHIBIT THE ENFORCEMENT OF ANY
3 OTHER LAW OF A PARTICIPATING STATE THAT IS NOT INCONSISTENT WITH THIS
4 COMPACT.

5 B. ANY LAWS, STATUTES, REGULATIONS OR OTHER LEGAL REQUIREMENTS IN A
6 PARTICIPATING STATE THAT ARE IN CONFLICT WITH THIS COMPACT ARE SUPERSEDED
7 TO THE EXTENT OF THE CONFLICT.

8 C. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND THE
9 PARTICIPATING STATES ARE BINDING IN ACCORDANCE WITH THEIR TERMS.