

REFERENCE TITLE: dentists; dental hygienists; compact

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1310

Introduced by
Senator Shope

AN ACT

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

(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.

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

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

5 SECTION 2. DEFINITIONS

6 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

12 3. "ALTERNATIVE PROGRAM":

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

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

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

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

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

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

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

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

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

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

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

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

10 14. "ENCUMBERED LICENSE" MEANS A LICENSE THAT A STATE LICENSING
11 AUTHORITY HAS LIMITED IN ANY WAY OTHER THAN THROUGH AN ALTERNATIVE
12 PROGRAM.

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

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

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

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

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

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

31 21. "QUALIFYING LICENSE" MEANS A LICENSE THAT IS NOT AN ENCUMBERED
32 LICENSE ISSUED BY A PARTICIPATING STATE TO PRACTICE DENTISTRY OR DENTAL
33 HYGIENE.

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

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

39 24. "SCOPE OF PRACTICE":

40 (a) MEANS THE PROCEDURES, ACTIONS AND PROCESSES THAT A DENTIST OR
41 DENTAL HYGIENIST WHO IS LICENSED IN A STATE IS ALLOWED TO UNDERTAKE IN
42 THAT STATE AND THE CIRCUMSTANCES UNDER WHICH THE LICENSEE IS ALLOWED TO
43 UNDERTAKE THOSE PROCEDURES, ACTIONS AND PROCESSES.

1 (b) INCLUDES PROCEDURES, ACTIONS AND PROCESSES AND THE
2 CIRCUMSTANCES UNDER WHICH THEY MAY BE UNDERTAKEN, THAT ARE ESTABLISHED
3 THROUGH MEANS THAT INCLUDE STATUTES, REGULATIONS, CASE LAW AND OTHER
4 PROCESSES AVAILABLE TO THE STATE LICENSING AUTHORITY OR OTHER GOVERNMENT
5 AGENCY.

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

13 26. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
14 THE UNITED STATES OF AMERICA THAT REGULATES THE PRACTICES OF DENTISTRY AND
15 DENTAL HYGIENE.

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

19 SECTION 3. STATE PARTICIPATION IN THE COMPACT

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

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

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

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

27 4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE
28 COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF
29 SIGNIFICANT INVESTIGATIVE INFORMATION REGARDING A LICENSEE OR LICENSE
30 APPLICANT.

31 5. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK REQUIREMENT, WITHIN
32 A TIME FRAME ESTABLISHED BY COMMISSION RULE, BY RECEIVING THE RESULTS OF A
33 QUALIFYING CRIMINAL BACKGROUND CHECK.

34 6. COMPLY WITH THE COMMISSION RULES APPLICABLE TO A PARTICIPATING
35 STATE.

36 7. ACCEPT THE NATIONAL BOARD EXAMINATIONS OF THE JOINT COMMISSION
37 ON NATIONAL DENTAL EXAMINATIONS OR ANOTHER EXAMINATION ACCEPTED BY
38 COMMISSION RULE AS A LICENSURE EXAMINATION.

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

1 9. ACCEPT FOR LICENSURE THAT APPLICANTS FOR A DENTAL HYGIENIST
2 LICENSE GRADUATE FROM A DENTAL HYGIENE EDUCATION PROGRAM ACCREDITED BY THE
3 COMMISSION ON DENTAL ACCREDITATION OR ANOTHER ACCREDITING AGENCY
4 RECOGNIZED BY THE UNITED STATES DEPARTMENT OF EDUCATION FOR THE
5 ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS.

6 10. REQUIRE FOR LICENSURE THAT APPLICANTS SUCCESSFULLY COMPLETE A
7 CLINICAL ASSESSMENT.

8 11. HAVE CONTINUING PROFESSIONAL DEVELOPMENT REQUIREMENTS AS A
9 CONDITION FOR LICENSE RENEWAL.

10 12. PAY A PARTICIPATION FEE TO THE COMMISSION AS ESTABLISHED BY
11 COMMISSION RULE.

12 B. PROVIDING ALTERNATIVE PATHWAYS FOR AN INDIVIDUAL TO OBTAIN AN
13 UNRESTRICTED LICENSE DOES NOT DISQUALIFY A STATE FROM PARTICIPATING IN
14 THIS COMPACT.

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

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

18 2. MAINTAIN DOCUMENTATION OF COMPLETION OF THE CRIMINAL BACKGROUND
19 CHECK AND BACKGROUND CHECK INFORMATION TO THE EXTENT ALLOWED BY STATE AND
20 FEDERAL LAW.

21 3. REPORT TO THE COMMISSION WHETHER THE STATE LICENSING AUTHORITY
22 HAS COMPLETED THE CRIMINAL BACKGROUND CHECK AND WHETHER THE INDIVIDUAL WAS
23 GRANTED OR DENIED A LICENSE.

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

31 SECTION 4. COMPACT PRIVILEGE

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

34 1. HAVE A QUALIFYING LICENSE AS A DENTIST OR DENTAL HYGIENIST IN A
35 PARTICIPATING STATE.

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

38 3. SUBMIT TO AN APPLICATION PROCESS WHENEVER THE LICENSEE IS
39 SEEKING A COMPACT PRIVILEGE.

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

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

1 6. HAVE PASSED A NATIONAL BOARD EXAMINATION OF THE JOINT COMMISSION
2 ON NATIONAL DENTAL EXAMINATIONS OR ANOTHER EXAMINATION ACCEPTED BY
3 COMMISSION RULE.

4 7. FOR A DENTIST, HAVE GRADUATED FROM A PREDOCTORAL DENTAL
5 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION, OR
6 ANOTHER ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
7 EDUCATION FOR THE ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION
8 PROGRAMS, LEADING TO A DOCTOR OF DENTAL SURGERY OR DOCTOR OF DENTAL
9 MEDICINE DEGREE.

10 8. FOR A DENTAL HYGIENIST, HAVE GRADUATED FROM A DENTAL HYGIENE
11 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON DENTAL ACCREDITATION OR
12 ANOTHER ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF
13 EDUCATION FOR THE ACCREDITATION OF DENTISTRY AND DENTAL HYGIENE EDUCATION
14 PROGRAMS.

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

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

19 11. REPORT TO THE COMMISSION WHEN APPLYING FOR A COMPACT PRIVILEGE
20 THE ADDRESS OF THE LICENSEE'S PRIMARY RESIDENCE AND THEREAFTER IMMEDIATELY
21 REPORT TO THE COMMISSION ANY CHANGE IN THE ADDRESS OF THE LICENSEE'S
22 PRIMARY RESIDENCE.

23 12. CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE LICENSEE'S
24 PRIMARY RESIDENCE ON RECORD WITH THE COMMISSION WITH RESPECT TO ANY ACTION
25 BROUGHT AGAINST THE LICENSEE BY THE COMMISSION OR A PARTICIPATING STATE
26 AND CONSENT TO ACCEPT SERVICE OF A SUBPOENA BY MAIL AT THE LICENSEE'S
27 PRIMARY RESIDENCE ON RECORD WITH THE COMMISSION WITH RESPECT TO ANY ACTION
28 BROUGHT OR INVESTIGATION CONDUCTED BY THE COMMISSION OR A PARTICIPATING
29 STATE.

30 B. THE LICENSEE MUST COMPLY WITH THE REQUIREMENTS OF SUBSECTION A
31 OF THIS SECTION TO MAINTAIN THE COMPACT PRIVILEGE IN THE REMOTE STATE. IF
32 THOSE REQUIREMENTS ARE MET, THE COMPACT PRIVILEGE WILL CONTINUE AS LONG AS
33 THE LICENSEE MAINTAINS A QUALIFYING LICENSE IN THE STATE THROUGH WHICH THE
34 LICENSEE APPLIED FOR THE COMPACT PRIVILEGE AND PAYS ANY APPLICABLE COMPACT
35 PRIVILEGE RENEWAL FEES.

36 C. A LICENSEE WHO PROVIDES DENTISTRY OR DENTAL HYGIENE SERVICES IN
37 A REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION WITHIN THE SCOPE
38 OF PRACTICE AUTHORIZED BY THE REMOTE STATE FOR A DENTIST OR DENTAL
39 HYGIENIST LICENSED IN THAT STATE.

40 D. A LICENSEE WHO PROVIDES DENTISTRY OR DENTAL HYGIENE SERVICES
41 PURSUANT TO A COMPACT PRIVILEGE IN A REMOTE STATE IS SUBJECT TO THE
42 STATE'S REGULATORY AUTHORITY. A REMOTE STATE MAY, IN ACCORDANCE WITH DUE
43 PROCESS AND THAT STATE'S LAWS, BY ADVERSE ACTION REVOKE OR REMOVE A
44 LICENSEE'S COMPACT PRIVILEGE IN THE REMOTE STATE FOR A SPECIFIC PERIOD OF
45 TIME AND IMPOSE FINES OR TAKE ANY OTHER NECESSARY ACTION TO PROTECT THE

1 HEALTH AND SAFETY OF ITS CITIZENS. IF A REMOTE STATE IMPOSES AN ADVERSE
2 ACTION AGAINST A COMPACT PRIVILEGE THAT LIMITS THE COMPACT PRIVILEGE, THAT
3 ADVERSE ACTION APPLIES TO ALL COMPACT PRIVILEGES IN ALL REMOTE STATES. A
4 LICENSEE WHOSE COMPACT PRIVILEGE IN A REMOTE STATE IS REMOVED FOR A
5 SPECIFIED PERIOD OF TIME IS NOT ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY
6 OTHER REMOTE STATE UNTIL THE SPECIFIC TIME FOR REMOVAL OF THE COMPACT
7 PRIVILEGE HAS PASSED AND ALL ENCUMBRANCE REQUIREMENTS ARE SATISFIED.

8 E. IF A LICENSE IN A PARTICIPATING STATE IS AN ENCUMBERED LICENSE,
9 THE LICENSEE SHALL LOSE THE COMPACT PRIVILEGE IN A REMOTE STATE AND IS NOT
10 ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY REMOTE STATE UNTIL THE LICENSE IS
11 NO LONGER ENCUMBERED.

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

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

18 1. THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT PRIVILEGE WAS
19 REMOVED HAS ENDED.

20 2. ALL CONDITIONS FOR REMOVAL OF THE COMPACT PRIVILEGE HAVE BEEN
21 SATISFIED.

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

25 SECTION 5. ACTIVE MILITARY MEMBERS AND SPOUSES

26 AN ACTIVE MILITARY MEMBER AND THAT PERSON'S SPOUSE SHALL NOT BE
27 REQUIRED TO PAY TO THE COMMISSION FOR A COMPACT PRIVILEGE THE FEE THAT IS
28 OTHERWISE CHARGED BY THE COMMISSION. IF A REMOTE STATE CHOOSES TO CHARGE
29 A FEE FOR A COMPACT PRIVILEGE, IT MAY CHOOSE TO CHARGE A REDUCED FEE OR NO
30 FEE TO AN ACTIVE MILITARY MEMBER AND THAT PERSON'S SPOUSE FOR A COMPACT
31 PRIVILEGE.

32 SECTION 6. ADVERSE ACTIONS

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

36 B. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON THE
37 SIGNIFICANT INVESTIGATIVE INFORMATION OF A REMOTE STATE SO LONG AS THE
38 PARTICIPATING STATE FOLLOWS ITS OWN PROCEDURES FOR IMPOSING ADVERSE
39 ACTION.

40 C. THIS COMPACT DOES NOT OVERRIDE A PARTICIPATING STATE'S DECISION
41 THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF
42 ADVERSE ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF
43 REQUIRED BY THE PARTICIPATING STATE'S LAWS. PARTICIPATING STATES MUST
44 REQUIRE LICENSEES WHO ENTER ANY ALTERNATIVE PROGRAM IN LIEU OF DISCIPLINE
45 TO AGREE NOT TO PRACTICE PURSUANT TO A COMPACT PRIVILEGE IN ANY OTHER

1 PARTICIPATING STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT
2 PRIOR AUTHORIZATION FROM SUCH OTHER PARTICIPATING STATE.

3 D. ANY PARTICIPATING STATE IN WHICH A LICENSEE IS APPLYING TO
4 PRACTICE OR IS PRACTICING PURSUANT TO A COMPACT PRIVILEGE MAY INVESTIGATE
5 ACTUAL OR ALLEGED VIOLATIONS OF THE STATUTES AND RULES AUTHORIZING THE
6 PRACTICE OF DENTISTRY OR DENTAL HYGIENE IN ANY OTHER PARTICIPATING STATE
7 IN WHICH THE DENTIST OR DENTAL HYGIENIST HOLDS A LICENSE OR COMPACT
8 PRIVILEGE.

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

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

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

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

27 F. JOINT INVESTIGATIONS ARE AS FOLLOWS:

28 1. IN ADDITION TO THE AUTHORITY GRANTED TO A PARTICIPATING STATE BY
29 ITS DENTIST OR DENTAL HYGIENIST LICENSURE ACT OR OTHER APPLICABLE STATE
30 LAW, A PARTICIPATING STATE MAY JOINTLY INVESTIGATE LICENSEES WITH OTHER
31 PARTICIPATING STATES.

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

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

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

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

SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION

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

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

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

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

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

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

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

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

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

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

1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION.

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

3. ADOPT RULES AND BYLAWS.

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

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

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

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

8. PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

3 10. CONDUCT AN ANNUAL FINANCIAL REVIEW.

4 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
5 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
6 THE PURPOSES OF THIS COMPACT AND ESTABLISH THE COMMISSION'S PERSONNEL
7 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
8 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.

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

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

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

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

26 16. ESTABLISH A BUDGET AND MAKE EXPENDITURES.

27 17. BORROW MONIES.

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

32 19. PROVIDE AND RECEIVE INFORMATION FROM AND COOPERATE WITH LAW
33 ENFORCEMENT AGENCIES.

34 20. ELECT A CHAIRPERSON, VICE CHAIRPERSON, SECRETARY AND TREASURER
35 AND SUCH OTHER OFFICERS OF THE COMMISSION AS PROVIDED IN THE COMMISSION'S
36 BYLAWS.

37 21. ESTABLISH AND ELECT AN EXECUTIVE BOARD.

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

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

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

1 D. MEETINGS OF THE COMMISSION ARE AS FOLLOWS:

2 1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED PURSUANT TO
3 THIS SUBSECTION ARE OPEN TO THE PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL
4 BE POSTED ON THE COMMISSION'S WEBSITE AT LEAST THIRTY DAYS BEFORE THE
5 PUBLIC MEETING.

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

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

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

20 (a) NONCOMPLIANCE OF A PARTICIPATING STATE WITH ITS OBLIGATIONS
21 UNDER THIS COMPACT.

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

25 (c) CURRENT OR THREATENED DISCIPLINE OF A LICENSEE OR COMPACT
26 PRIVILEGE HOLDER BY THE COMMISSION OR BY A PARTICIPATING STATE'S LICENSING
27 AUTHORITY.

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

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

31 (f) AN ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE OF
32 ANY PERSON.

33 (g) TRADE SECRETS OR COMMERCIAL OR FINANCIAL INFORMATION THAT IS
34 PRIVILEGED OR CONFIDENTIAL.

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

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

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

42 (k) LEGAL ADVICE.

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

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

1 5. IF A MEETING OR PORTION OF A MEETING IS CLOSED, THE PRESIDING
2 OFFICER SHALL STATE THAT THE MEETING WILL BE CLOSED AND REFERENCE EACH
3 RELEVANT EXEMPTING PROVISION, AND THE REFERENCE SHALL BE RECORDED IN THE
4 MINUTES.

5 6. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
6 DESCRIBE ALL MATTERS DISCUSSED IN A MEETING AND SHALL PROVIDE A FULL AND
7 ACCURATE SUMMARY OF ACTIONS TAKEN AND THE REASONS THEREFORE, INCLUDING A
8 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN
9 CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
10 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
11 TO RELEASE ONLY BY A MAJORITY VOTE OF THE COMMISSION OR ORDER OF A COURT
12 OF COMPETENT JURISDICTION.

13 E. FINANCING OF THE COMMISSION IS AS FOLLOWS:

14 1. THE COMMISSION SHALL PAY OR PROVIDE FOR THE PAYMENT OF THE
15 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
16 ACTIVITIES.

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

19 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
20 EACH PARTICIPATING STATE AND IMPOSE FEES ON LICENSEES OF PARTICIPATING
21 STATES WHEN A COMPACT PRIVILEGE IS GRANTED TO COVER THE COST OF THE
22 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE
23 IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH
24 FISCAL YEAR FOR WHICH SUFFICIENT REVENUE IS NOT PROVIDED BY OTHER SOURCES.
25 THE AGGREGATE ANNUAL ASSESSMENT AMOUNT FOR PARTICIPATING STATES SHALL BE
26 ALLOCATED BASED ON A FORMULA THAT THE COMMISSION ADOPTS BY RULE.

27 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
28 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS, AND THE COMMISSION
29 SHALL NOT PLEDGE THE CREDIT OF ANY PARTICIPATING STATE EXCEPT BY AND WITH
30 THE AUTHORITY OF THE PARTICIPATING STATE.

31 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL OF ITS
32 RECEIPTS AND DISBURSEMENTS, WHICH ARE SUBJECT TO THE FINANCIAL REVIEW AND
33 ACCOUNTING PROCEDURES ESTABLISHED UNDER THE BYLAWS. ALL RECEIPTS AND
34 DISBURSEMENTS OF MONIES HANDLED BY THE COMMISSION ARE SUBJECT TO AN ANNUAL
35 FINANCIAL REVIEW BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE
36 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN AND BECOME PART OF THE
37 ANNUAL REPORT OF THE COMMISSION.

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

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

42 (a) OVERSEEING THE DAY-TO-DAY ACTIVITIES OF ADMINISTERING THIS
43 COMPACT, INCLUDING COMPLIANCE WITH THIS COMPACT, COMMISSION RULES AND THE
44 BYLAWS.

1 (b) RECOMMENDING TO THE COMMISSION CHANGES TO THE RULES OR BYLAWS,
2 CHANGES TO THIS COMPACT LEGISLATION, FEES CHARGED TO PARTICIPATING STATES,
3 FEES CHARGED TO LICENSEES AND OTHER FEES.

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

6 (d) PREPARING AND RECOMMENDING THE BUDGET.

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

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

10 (g) ESTABLISHING ADDITIONAL COMMITTEES AS NECESSARY.

11 (h) EXERCISING THE POWERS AND DUTIES OF THE COMMISSION DURING THE
12 INTERIM BETWEEN COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR AMENDING
13 RULES, ADOPTING OR AMENDING BYLAWS AND EXERCISING ANY OTHER POWERS AND
14 DUTIES EXPRESSLY RESERVED TO THE COMMISSION BY RULE OR BYLAW.

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

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

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

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

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

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

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

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

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

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

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

41 (c) PROTECT PUBLIC HEALTH AND SAFETY.

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

43 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
44 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY, BOTH
45 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE TO OR

1 LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR
2 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED,
3 OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
4 FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES
5 OR RESPONSIBILITIES. THIS PARAGRAPH DOES NOT PROTECT ANY PERSON FROM SUIT
6 OR LIABILITY FOR ANY DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE
7 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON. THE
8 PROCUREMENT OF INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT IN ANY
9 WAY COMPROMISE OR LIMIT THE IMMUNITY GRANTED HEREUNDER.

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

21 3. NOTWITHSTANDING PARAGRAPH 1 OF THIS SUBSECTION, IF ANY MEMBER,
22 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
23 IS HELD LIABLE FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT ARISING OUT OF
24 ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED WITHIN THE
25 SCOPE OF THAT INDIVIDUAL'S EMPLOYMENT, DUTIES OR RESPONSIBILITIES FOR THE
26 COMMISSION, OR THAT THE PERSON TO WHOM THAT INDIVIDUAL IS LIABLE HAD A
27 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF THE
28 INDIVIDUAL'S EMPLOYMENT, DUTIES OR RESPONSIBILITIES FOR THE COMMISSION,
29 THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS THAT INDIVIDUAL IF THE
30 ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE
31 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THE INDIVIDUAL.

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

35 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO WAIVE OR
36 OTHERWISE ABROGATE A PARTICIPATING STATE'S STATE ACTION IMMUNITY OR STATE
37 ACTION AFFIRMATIVE DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE
38 SHERMAN ACT, THE CLAYTON ACT OR ANY OTHER STATE OR FEDERAL ANTITRUST OR
39 ANTICOMPETITIVE LAW OR REGULATION.

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

42 SECTION 8. DATA SYSTEM

43 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT, MAINTENANCE,
44 OPERATION AND UTILIZATION OF A COORDINATED DATABASE AND REPORTING SYSTEM
45 CONTAINING LICENSURE AND ADVERSE ACTION INFORMATION AND THE PRESENCE OF

1 SIGNIFICANT INVESTIGATIVE INFORMATION ON ALL LICENSEES AND APPLICANTS FOR
2 A LICENSE IN PARTICIPATING STATES.

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

7 1. IDENTIFYING INFORMATION.

8 2. LICENSURE DATA.

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

11 4. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
12 PARTICIPATION, THE BEGINNING AND ENDING DATES OF SUCH PARTICIPATION AND
13 OTHER INFORMATION RELATED TO SUCH PARTICIPATION.

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

17 6. THE PRESENCE OF SIGNIFICANT INVESTIGATIVE INFORMATION.

18 7. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
19 COMPACT OR THE PROTECTION OF THE PUBLIC, AS DETERMINED BY THE RULES OF THE
20 COMMISSION.

21 C. THE RECORDS AND INFORMATION PROVIDED TO A PARTICIPATING STATE
22 PURSUANT TO THIS COMPACT OR THROUGH THE DATA SYSTEM, WHEN CERTIFIED BY THE
23 COMMISSION OR AN AGENT THEREOF, SHALL CONSTITUTE THE AUTHENTICATED
24 BUSINESS RECORDS OF THE COMMISSION AND SHALL BE ENTITLED TO ANY ASSOCIATED
25 HEARSAY EXCEPTION IN ANY RELEVANT JUDICIAL, QUASI-JUDICIAL OR
26 ADMINISTRATIVE PROCEEDING IN A PARTICIPATING STATE.

27 D. SIGNIFICANT INVESTIGATIVE INFORMATION PERTAINING TO A LICENSEE
28 IN ANY PARTICIPATING STATE WILL BE AVAILABLE ONLY TO OTHER PARTICIPATING
29 STATES.

30 E. IT IS THE RESPONSIBILITY OF THE PARTICIPATING STATES TO MONITOR
31 THE DATABASE TO DETERMINE WHETHER ADVERSE ACTION HAS BEEN TAKEN AGAINST A
32 LICENSEE OR LICENSE APPLICANT. ADVERSE ACTION INFORMATION PERTAINING TO A
33 LICENSEE OR LICENSE APPLICANT IN ANY PARTICIPATING STATE WILL BE AVAILABLE
34 TO ANY OTHER PARTICIPATING STATE.

35 F. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE DATA SYSTEM
36 MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC WITHOUT
37 THE EXPRESS PERMISSION OF THE CONTRIBUTING STATE.

38 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS
39 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE LAWS OF THE
40 PARTICIPATING STATE CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE
41 DATA SYSTEM.

42 SECTION 9. RULEMAKING

43 A. THE COMMISSION SHALL ADOPT REASONABLE RULES IN ORDER TO
44 EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND ADMINISTER THE PURPOSES AND
45 PROVISIONS OF THIS COMPACT. A COMMISSION RULE SHALL BE INVALID AND HAVE

1 NO FORCE OR EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT
2 THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS RULEMAKING
3 AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE AND PURPOSES OF THIS
4 COMPACT, OR THE POWERS GRANTED HEREUNDER, OR BASED ON ANOTHER APPLICABLE
5 STANDARD OF REVIEW.

6 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW IN EACH
7 PARTICIPATING STATE, PROVIDED HOWEVER THAT WHERE THE RULES OF THE
8 COMMISSION CONFLICT WITH THE LAWS OF THE PARTICIPATING STATE THAT
9 ESTABLISH THE PARTICIPATING STATE'S SCOPE OF PRACTICE AS HELD BY A COURT
10 OF COMPETENT JURISDICTION, THE RULES OF THE COMMISSION SHALL BE
11 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.

12 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
13 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.
14 RULES SHALL BECOME BINDING AS OF THE DATE SPECIFIED BY THE COMMISSION FOR
15 EACH RULE.

16 D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING STATES
17 REJECT A COMMISSION RULE OR PORTION OF A COMMISSION RULE BY ENACTING A
18 STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT THIS COMPACT,
19 WITHIN FOUR YEARS AFTER THE DATE OF ADOPTION OF THE RULE SUCH RULE SHALL
20 HAVE NO FURTHER FORCE AND EFFECT IN ANY PARTICIPATING STATE OR TO ANY
21 STATE APPLYING TO PARTICIPATE IN THIS COMPACT.

22 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF THE
23 COMMISSION.

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

27 G. BEFORE ADOPTION OF A PROPOSED RULE BY THE COMMISSION, AND AT
28 LEAST THIRTY DAYS BEFORE THE MEETING AT WHICH THE COMMISSION WILL HOLD A
29 PUBLIC HEARING ON THE PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE
30 OF PROPOSED RULEMAKING:

31 1. ON THE WEBSITE OF THE COMMISSION OR ANOTHER PUBLICLY ACCESSIBLE
32 PLATFORM.

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

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

36 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
37 FOLLOWING:

38 1. THE TIME, DATE AND LOCATION OF THE PUBLIC HEARING AT WHICH THE
39 COMMISSION WILL HEAR PUBLIC COMMENTS ON THE PROPOSED RULE AND, IF
40 DIFFERENT, THE TIME, DATE AND LOCATION OF THE MEETING WHERE THE COMMISSION
41 WILL CONSIDER AND VOTE ON THE PROPOSED RULE.

42 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO CONFERENCE
43 OR OTHER ELECTRONIC MEANS, THE MECHANISM FOR ACCESS TO THE HEARING IN THE
44 NOTICE OF PROPOSED RULEMAKING.

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

1 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY INTERESTED
2 PERSON.

3 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT WRITTEN
4 COMMENTS.

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

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

11 K. THE COMMISSION, BY MAJORITY VOTE OF ALL COMMISSIONERS, SHALL
12 TAKE FINAL ACTION ON EACH PROPOSED RULE BASED ON THE RULEMAKING RECORD AS
13 FOLLOWS:

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

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

19 3. THE COMMISSION SHALL DETERMINE A REASONABLE EFFECTIVE DATE FOR
20 THE RULE. EXCEPT FOR AN EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS
21 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NOT SOONER THAN THIRTY
22 DAYS AFTER THE COMMISSION ISSUES THE NOTICE THAT IT ADOPTED OR AMENDED THE
23 RULE.

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

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

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

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

36 4. PROTECT PUBLIC HEALTH AND SAFETY.

37 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
38 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE FOR PURPOSES OF CORRECTING
39 TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY OR
40 GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON THE
41 WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE BY
42 ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY BE
43 CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE
44 TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO THE
45 COMMISSION BEFORE THE END OF THE NOTICE PERIOD. IF NO CHALLENGE IS MADE,

1 THE REVISION WILL TAKE EFFECT WITHOUT FURTHER ACTION. IF THE REVISION IS
2 CHALLENGED, THE REVISION MAY NOT TAKE EFFECT WITHOUT THE APPROVAL OF THE
3 COMMISSION.

4 N. A PARTICIPATING STATE'S RULEMAKING REQUIREMENTS DO NOT APPLY
5 UNDER THIS COMPACT.

6 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

7 A. OVERSIGHT IS AS FOLLOWS:

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

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

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

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

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

33 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF DEFAULT TO
34 THE OTHER PARTICIPATING STATES.

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

41 D. TERMINATION OF PARTICIPATION IN THIS COMPACT SHALL BE IMPOSED
42 ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED.
43 NOTICE OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION
44 TO THE GOVERNOR OF THE DEFAULTING STATE, THE MAJORITY AND MINORITY LEADERS
45 OF THE DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S STATE

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

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

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

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

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

24 I. DISPUTE RESOLUTION IS AS FOLLOWS:

25 1. ON REQUEST BY A PARTICIPATING STATE, THE COMMISSION SHALL
26 ATTEMPT TO RESOLVE DISPUTES RELATED TO THIS COMPACT THAT ARISE AMONG
27 PARTICIPATING STATES AND BETWEEN PARTICIPATING STATES AND NONPARTICIPATING
28 STATES.

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

31 J. ENFORCEMENT IS AS FOLLOWS:

32 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION,
33 SHALL ENFORCE THE PROVISIONS OF THIS COMPACT AND THE COMMISSION'S ADOPTED
34 RULES.

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

3. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION AGAINST THE COMMISSION 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 THIS COMPACT AND ITS ADOPTED RULES. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

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

SECTION 11. EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

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

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

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

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

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

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

4. ANY STATE THAT JOINS THIS COMPACT AFTER 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 THIS 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 THIS COMPACT BECOMES LAW IN THAT STATE.

1 B. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT BY
2 ENACTING A STATUTE REPEALING THAT STATE'S ENACTMENT OF THIS COMPACT AS
3 FOLLOWS:

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

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

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

17 C. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY LICENSURE
18 AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A PARTICIPATING STATE
19 AND A NONPARTICIPATING STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
20 THIS COMPACT.

21 D. THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES. AN
22 AMENDMENT TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY
23 PARTICIPATING STATE UNTIL THE AMENDMENT IS ENACTED INTO THE LAWS OF ALL
24 PARTICIPATING STATES.

25 SECTION 12. CONSTRUCTION AND SEVERABILITY

26 A. THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY SHALL BE
27 LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE PURPOSES AND THE
28 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE PROVISIONS OF THIS
29 COMPACT EXPRESSLY AUTHORIZING OR REQUIRING THE ADOPTION OF RULES SHALL NOT
30 BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING AUTHORITY SOLELY FOR
31 THOSE PURPOSES.

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

41 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE COMMISSION MAY
42 DENY A STATE'S PARTICIPATION IN THIS COMPACT OR, IN ACCORDANCE WITH THE
43 REQUIREMENTS OF SECTION 10, SUBSECTION B OF THIS COMPACT, TERMINATE A
44 PARTICIPATING STATE'S PARTICIPATION IN THIS COMPACT, IF IT DETERMINES THAT
45 A CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS A MATERIAL

1 DEPARTURE FROM THIS COMPACT. OTHERWISE, IF THIS COMPACT IS HELD TO BE
2 CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE, THIS COMPACT
3 SHALL REMAIN IN FULL FORCE AND EFFECT AS TO THE REMAINING PARTICIPATING
4 STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTICIPATING STATE AFFECTED
5 AS TO ALL SEVERABLE MATTERS.

6 SECTION 13. CONSISTENT EFFECT AND
7 CONFLICT WITH OTHER STATE LAWS

8 A. THIS COMPACT DOES NOT PREVENT OR INHIBIT THE ENFORCEMENT OF ANY
9 OTHER LAW OF A PARTICIPATING STATE THAT IS NOT INCONSISTENT WITH THIS
10 COMPACT.

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

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