

**Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 24-0193.01 Brita Darling x2241

**SENATE BILL 24-010**

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**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ADOPTION OF THE DENTIST AND DENTAL HYGIENIST**  
102                    **COMPACT, AND, IN CONNECTION THEREWITH, MAKING AN**  
103                    **APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill adopts the dentist and dental hygienist compact (compact) to facilitate the interstate practice of dentistry and dental hygiene. With the adoption of the compact, a dentist or dental hygienist who holds an active, unencumbered license in a participating state and does not have an encumbered license from any participating state may apply to another

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
3rd Reading Unamended  
March 18, 2024

SENATE  
Amended 2nd Reading  
March 15, 2024

participating state (remote state) for a privilege to practice dentistry or dental hygiene, as applicable, (compact privilege) in that state.

Under a compact privilege, the dentist or dental hygienist must practice within the scope of practice authorized for a dentist or dental hygienist licensed in the remote state and is subject to the remote state's licensing authority, which may, within the borders of the remote state, take adverse action against the dentist's or dental hygienist's compact privilege in order to protect the health and safety of its citizens. If a remote state, acting through its licensing authority, takes adverse action, the dentist's or dental hygienist's compact privilege in all remote states is removed until any restriction on the compact privilege is removed. Only the participating state in which the dentist or dental hygienist is licensed may take adverse action against the dental or dental hygienist's license; however, a remote state may take adverse action against the dentist's or dental hygienist's compact privilege in the remote state.

The compact creates the dentist and dental hygienist compact commission (commission). The commission consists of one commissioner from each participating state who is selected by the state's licensing authority. The compact authorizes the commission to create the administrative structure for the compact, including granting the powers necessary to establish and operate the commission, adopt rules and bylaws, establish an executive committee, hire employees, establish an office, and conduct the commission's meetings. Further, the commission shall develop and maintain a coordinated database and reporting system to include significant investigatory information from participating states concerning the dentist's or dental hygienist's practice and to record any adverse action against the dentist or dental hygienist.

To pay the costs associated with the compact, the compact authorizes the commission to levy and collect an annual assessment from each participating state and to impose fees on licensees for the granting or renewal of a compact privilege; except that an active military member or the member's spouse will not be required to pay the commission's fee for a compact privilege.

The compact includes provisions governing disputes among participating states and between the commission and a participating state, enforcement provisions, and withdrawal of participating states from the compact.

The compact is effective for participating states on the date on which the compact is enacted in the seventh participating state.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 45 to article

1 60 of title 24 as follows:

2 PART 45

3 DENTIST AND DENTAL HYGIENIST COMPACT

4 **24-60-4501. Compact approved and ratified.** THE GENERAL  
5 ASSEMBLY APPROVES AND RATIFIES, AND THE GOVERNOR SHALL ENTER  
6 INTO, A COMPACT ON BEHALF OF THE STATE OF COLORADO AND ANY OF  
7 THE UNITED STATES OR OTHER JURISDICTIONS LEGALLY JOINING IN THE  
8 COMPACT IN THE FORM SUBSTANTIALLY AS FOLLOWS:

9 SECTION 1. TITLE AND PURPOSE

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

26 A. ENABLES DENTISTS AND DENTAL HYGIENISTS WHO  
27 QUALIFY FOR A COMPACT PRIVILEGE TO PRACTICE IN OTHER

- 1 PARTICIPATING STATES WITHOUT SATISFYING BURDENSOME  
2 AND DUPLICATIVE REQUIREMENTS ASSOCIATED WITH  
3 SECURING A LICENSE TO PRACTICE IN THOSE STATES;
- 4 B. PROMOTES MOBILITY AND ADDRESSES WORKFORCE  
5 SHORTAGES THROUGH EACH PARTICIPATING STATE'S  
6 ACCEPTANCE OF A COMPACT PRIVILEGE TO PRACTICE IN  
7 THAT STATE;
- 8 C. INCREASES PUBLIC ACCESS TO QUALIFIED, LICENSED  
9 DENTISTS AND DENTAL HYGIENISTS BY CREATING A  
10 RESPONSIBLE, STREAMLINED PATHWAY FOR LICENSEES TO  
11 PRACTICE IN PARTICIPATING STATES;
- 12 D. ENHANCES THE ABILITY OF PARTICIPATING STATES TO  
13 PROTECT THE PUBLIC'S HEALTH AND SAFETY;
- 14 E. DOES NOT INTERFERE WITH LICENSURE REQUIREMENTS  
15 ESTABLISHED BY A PARTICIPATING STATE;
- 16 F. FACILITATES THE SHARING OF LICENSURE AND  
17 DISCIPLINARY INFORMATION AMONG PARTICIPATING  
18 STATES;
- 19 G. REQUIRES DENTISTS AND DENTAL HYGIENISTS WHO  
20 PRACTICE IN A PARTICIPATING STATE PURSUANT TO A  
21 COMPACT PRIVILEGE TO PRACTICE WITHIN THE SCOPE OF  
22 PRACTICE AUTHORIZED IN THAT STATE;
- 23 H. EXTENDS THE AUTHORITY OF A PARTICIPATING STATE TO  
24 REGULATE THE PRACTICE OF DENTISTRY AND DENTAL  
25 HYGIENE WITHIN ITS BORDERS TO DENTISTS AND DENTAL  
26 HYGIENISTS WHO PRACTICE IN THE STATE THROUGH A  
27 COMPACT PRIVILEGE;

- 1 I. PROMOTES THE COOPERATION OF PARTICIPATING STATES IN  
2 REGULATING THE PRACTICE OF DENTISTRY AND DENTAL  
3 HYGIENE WITHIN THOSE STATES;  
4 J. FACILITATES THE RELOCATION OF MILITARY MEMBERS AND  
5 THEIR SPOUSES WHO ARE LICENSED TO PRACTICE DENTISTRY  
6 OR DENTAL HYGIENE.

7 **SECTION 2. DEFINITIONS**

8 AS USED IN THIS COMPACT, UNLESS THE CONTEXT REQUIRES OTHERWISE,  
9 THE FOLLOWING DEFINITIONS SHALL APPLY:

- 10 A. **"ACTIVE MILITARY MEMBER"** MEANS ANY PERSON WITH  
11 FULL-TIME DUTY STATUS IN THE ARMED FORCES OF THE  
12 UNITED STATES, INCLUDING MEMBERS OF THE NATIONAL  
13 GUARD AND RESERVE.  
14 B. **"ADVERSE ACTION"** MEANS DISCIPLINARY ACTION OR  
15 ENCUMBRANCE IMPOSED ON A LICENSE OR COMPACT  
16 PRIVILEGE BY A STATE LICENSING AUTHORITY.  
17 C. **"ALTERNATIVE PROGRAM"** MEANS A NON-DISCIPLINARY  
18 MONITORING OR PRACTICE REMEDIATION PROCESS  
19 APPLICABLE TO A DENTIST OR DENTAL HYGIENIST  
20 APPROVED BY A STATE LICENSING AUTHORITY OF A  
21 PARTICIPATING STATE IN WHICH THE DENTIST OR DENTAL  
22 HYGIENIST IS LICENSED. THIS INCLUDES, BUT IS NOT  
23 LIMITED TO, PROGRAMS TO WHICH LICENSEES WITH  
24 SUBSTANCE ABUSE OR ADDICTION ISSUES ARE REFERRED IN  
25 LIEU OF ADVERSE ACTION.  
26 D. **"CLINICAL ASSESSMENT"** MEANS AN EXAMINATION OR  
27 PROCESS, REQUIRED FOR LICENSURE AS A DENTIST OR

1 DENTAL HYGIENIST, AS APPLICABLE, THAT PROVIDES  
2 EVIDENCE OF CLINICAL COMPETENCE IN DENTISTRY OR  
3 DENTAL HYGIENE.

4 E. **"COMMISSIONER"** MEANS THE INDIVIDUAL APPOINTED BY  
5 A PARTICIPATING STATE TO SERVE AS THE MEMBER OF THE  
6 COMMISSION FOR THAT PARTICIPATING STATE.

7 F. **"COMPACT"** MEANS THIS DENTIST AND DENTAL  
8 HYGIENIST COMPACT.

9 G. **"COMPACT PRIVILEGE"** MEANS THE AUTHORIZATION  
10 GRANTED BY A REMOTE STATE TO ALLOW A LICENSEE FROM  
11 A PARTICIPATING STATE TO PRACTICE AS A DENTIST OR  
12 DENTAL HYGIENIST IN A REMOTE STATE.

13 H. **"CONTINUING PROFESSIONAL DEVELOPMENT"** MEANS A  
14 REQUIREMENT, AS A CONDITION OF LICENSE RENEWAL, TO  
15 PROVIDE EVIDENCE OF SUCCESSFUL PARTICIPATION IN  
16 EDUCATIONAL OR PROFESSIONAL ACTIVITIES RELEVANT TO  
17 PRACTICE OR AREA OF WORK.

18 I. **"CRIMINAL BACKGROUND CHECK"** MEANS THE  
19 SUBMISSION OF FINGERPRINTS OR OTHER BIOMETRIC-BASED  
20 INFORMATION FOR A LICENSE APPLICANT FOR THE PURPOSE  
21 OF OBTAINING THAT APPLICANT'S CRIMINAL HISTORY  
22 RECORD INFORMATION, AS DEFINED IN 28 CFR 20.3 (d)  
23 FROM THE FEDERAL BUREAU OF INVESTIGATION AND THE  
24 STATE'S CRIMINAL HISTORY RECORD REPOSITORY AS  
25 DEFINED IN 28 CFR 20.3 (f).

26 J. **"DATA SYSTEM"** MEANS THE COMMISSION'S REPOSITORY  
27 OF INFORMATION ABOUT LICENSEES, INCLUDING BUT NOT

1 LIMITED TO EXAMINATION, LICENSURE, INVESTIGATIVE,  
2 COMPACT PRIVILEGE, ADVERSE ACTION, AND  
3 ALTERNATIVE PROGRAM.

4 K. **"DENTAL HYGIENIST"** MEANS AN INDIVIDUAL WHO IS  
5 LICENSED BY A STATE LICENSING AUTHORITY TO PRACTICE  
6 DENTAL HYGIENE.

7 L. **"DENTIST"** MEANS AN INDIVIDUAL WHO IS LICENSED BY A  
8 STATE LICENSING AUTHORITY TO PRACTICE DENTISTRY.

9 M. **"DENTIST AND DENTAL HYGIENIST COMPACT  
10 COMMISSION" OR "COMMISSION"** MEANS A JOINT  
11 GOVERNMENT AGENCY ESTABLISHED BY THIS COMPACT  
12 COMPRISED OF EACH STATE THAT HAS ENACTED THE  
13 COMPACT AND A NATIONAL ADMINISTRATIVE BODY  
14 COMPRISED OF A COMMISSIONER FROM EACH STATE THAT  
15 HAS ENACTED THE COMPACT.

16 N. **"ENCUMBERED LICENSE"** MEANS A LICENSE THAT A  
17 STATE LICENSING AUTHORITY HAS LIMITED IN ANY WAY  
18 OTHER THAN THROUGH AN ALTERNATIVE PROGRAM.

19 O. **"EXECUTIVE BOARD"** MEANS THE CHAIR, VICE CHAIR,  
20 SECRETARY, AND TREASURER AND ANY OTHER  
21 COMMISSIONERS AS MAY BE DETERMINED BY COMMISSION  
22 RULE OR BYLAW.

23 P. **"JURISPRUDENCE REQUIREMENT"** MEANS THE  
24 ASSESSMENT OF AN INDIVIDUAL'S KNOWLEDGE OF THE LAWS  
25 AND RULES GOVERNING THE PRACTICE OF DENTISTRY OR  
26 DENTAL HYGIENE, AS APPLICABLE, IN A STATE.

27 Q. **"LICENSE"** MEANS CURRENT AUTHORIZATION BY A STATE,

1 OTHER THAN AUTHORIZATION PURSUANT TO A COMPACT  
2 PRIVILEGE OR OTHER PRIVILEGE FOR AN INDIVIDUAL TO  
3 PRACTICE AS A DENTIST OR DENTAL HYGIENIST IN THAT  
4 STATE.

5 R. **"LICENSEE"** MEANS AN INDIVIDUAL WHO HOLDS AN  
6 UNRESTRICTED LICENSE FROM A PARTICIPATING STATE TO  
7 PRACTICE AS A DENTIST OR DENTAL HYGIENIST IN THAT  
8 STATE.

9 S. **"MODEL COMPACT"** MEANS THE MODEL FOR THE DENTIST  
10 AND DENTAL HYGIENIST COMPACT ON FILE WITH THE  
11 COUNCIL OF STATE GOVERNMENTS OR OTHER ENTITY AS  
12 DESIGNATED BY THE COMMISSION.

13 T. **"PARTICIPATING STATE"** MEANS A STATE THAT HAS  
14 ENACTED THE COMPACT AND BEEN ADMITTED TO THE  
15 COMMISSION IN ACCORDANCE WITH THE PROVISIONS HEREIN  
16 AND COMMISSION RULES.

17 U. **"QUALIFYING LICENSE"** MEANS A LICENSE THAT IS NOT  
18 AN ENCUMBERED LICENSE ISSUED BY A PARTICIPATING  
19 STATE TO PRACTICE DENTISTRY OR DENTAL HYGIENE.

20 V. **"REMOTE STATE"** MEANS A PARTICIPATING STATE WHERE  
21 A LICENSEE WHO IS NOT LICENSED AS A DENTIST OR  
22 DENTAL HYGIENIST IS EXERCISING OR SEEKING TO EXERCISE  
23 THE COMPACT PRIVILEGE.

24 W. **"RULE"** MEANS A REGULATION PROMULGATED BY AN  
25 ENTITY THAT HAS THE FORCE OF LAW.

26 X. **"SCOPE OF PRACTICE"** MEANS THE PROCEDURES, ACTIONS,  
27 AND PROCESSES A DENTIST OR DENTAL HYGIENIST



1 LICENSED IN A STATE IS PERMITTED TO UNDERTAKE IN THAT  
2 STATE AND THE CIRCUMSTANCES UNDER WHICH THE  
3 LICENSEE IS PERMITTED TO UNDERTAKE THOSE  
4 PROCEDURES, ACTIONS, AND PROCESSES. SUCH  
5 PROCEDURES, ACTIONS, AND PROCESSES AND THE  
6 CIRCUMSTANCES UNDER WHICH THEY MAY BE UNDERTAKEN  
7 MAY BE ESTABLISHED THROUGH MEANS, INCLUDING, BUT  
8 NOT LIMITED TO, STATUTE, REGULATIONS, CASE LAW, AND  
9 OTHER PROCESSES AVAILABLE TO THE STATE LICENSING  
10 AUTHORITY OR OTHER GOVERNMENT AGENCY.

11 Y. **"SIGNIFICANT INVESTIGATIVE INFORMATION"** MEANS  
12 INFORMATION, RECORDS, AND DOCUMENTS RECEIVED OR  
13 GENERATED BY A STATE LICENSING AUTHORITY PURSUANT  
14 TO AN INVESTIGATION FOR WHICH A DETERMINATION HAS  
15 BEEN MADE THAT THERE IS PROBABLE CAUSE TO BELIEVE  
16 THAT THE LICENSEE HAS VIOLATED A STATUTE OR  
17 REGULATION THAT IS CONSIDERED MORE THAN A MINOR  
18 INFRACTION FOR WHICH THE STATE LICENSING AUTHORITY  
19 COULD PURSUE ADVERSE ACTION AGAINST THE LICENSEE.

20 Z. **"STATE"** MEANS ANY STATE, COMMONWEALTH, DISTRICT,  
21 OR TERRITORY OF THE UNITED STATES OF AMERICA THAT  
22 REGULATES THE PRACTICES OF DENTISTRY AND DENTAL  
23 HYGIENE.

24 AA. **"STATE LICENSING AUTHORITY"** MEANS AN AGENCY OR  
25 OTHER ENTITY OF A STATE THAT IS RESPONSIBLE FOR THE  
26 LICENSING AND REGULATION OF DENTISTS OR DENTAL  
27 HYGIENISTS.

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**SECTION 3.**

**STATE PARTICIPATION IN THE COMPACT**

A. IN ORDER TO JOIN THE COMPACT AND THEREAFTER CONTINUE AS  
A PARTICIPATING STATE, A STATE MUST:

1. ENACT A COMPACT THAT IS NOT MATERIALLY DIFFERENT FROM THE MODEL COMPACT AS DETERMINED IN ACCORDANCE WITH COMMISSION RULES;
2. PARTICIPATE FULLY IN THE COMMISSION'S DATA SYSTEM;
3. HAVE A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING COMPLAINTS ABOUT ITS LICENSEES AND LICENSE APPLICANTS;
4. NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR THE AVAILABILITY OF SIGNIFICANT INVESTIGATIVE INFORMATION REGARDING A LICENSEE AND LICENSE APPLICANT;
5. FULLY IMPLEMENT A CRIMINAL BACKGROUND CHECK REQUIREMENT, WITHIN A TIME FRAME ESTABLISHED BY COMMISSION RULE, BY RECEIVING THE RESULTS OF A QUALIFYING CRIMINAL BACKGROUND CHECK;
6. COMPLY WITH THE COMMISSION RULES APPLICABLE TO A PARTICIPATING STATE;
7. ACCEPT THE NATIONAL BOARD EXAMINATIONS OF THE JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS OR ANOTHER EXAMINATION ACCEPTED BY COMMISSION RULE AS A LICENSURE EXAMINATION;
8. ACCEPT FOR LICENSURE APPLICANTS FOR A DENTIST

1 LICENSE WHO GRADUATE FROM A PREDOCTORAL DENTAL  
2 EDUCATION PROGRAM ACCREDITED BY THE COMMISSION ON  
3 DENTAL ACCREDITATION, OR ANOTHER ACCREDITING  
4 AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT  
5 OF EDUCATION FOR THE ACCREDITATION OF DENTISTRY AND  
6 DENTAL HYGIENE EDUCATION PROGRAMS, LEADING TO THE  
7 DOCTOR OF DENTAL SURGERY (D.D.S.) OR DOCTOR OF  
8 DENTAL MEDICINE (D.M.D.) DEGREE;

9 9. ACCEPT FOR LICENSURE APPLICANTS FOR A DENTAL  
10 HYGIENIST LICENSE WHO GRADUATE FROM A DENTAL  
11 HYGIENE EDUCATION PROGRAM ACCREDITED BY THE  
12 COMMISSION ON DENTAL ACCREDITATION OR ANOTHER  
13 ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES  
14 DEPARTMENT OF EDUCATION FOR THE ACCREDITATION OF  
15 DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS;

16 10. REQUIRE FOR LICENSURE THAT APPLICANTS SUCCESSFULLY  
17 COMPLETE A CLINICAL ASSESSMENT;

18 11. HAVE CONTINUING PROFESSIONAL DEVELOPMENT  
19 REQUIREMENTS AS A CONDITION FOR LICENSE RENEWAL;  
20 AND

21 12. PAY A PARTICIPATION FEE TO THE COMMISSION AS  
22 ESTABLISHED BY COMMISSION RULE.

23 B. PROVIDING ALTERNATIVE PATHWAYS FOR AN INDIVIDUAL TO  
24 OBTAIN AN UNRESTRICTED LICENSE DOES NOT DISQUALIFY A STATE  
25 FROM PARTICIPATING IN THE COMPACT.

26 C. WHEN CONDUCTING A CRIMINAL BACKGROUND CHECK, THE  
27 STATE LICENSING AUTHORITY SHALL:

- 1           1.     CONSIDER THAT INFORMATION IN MAKING A LICENSURE  
2           DECISION;
- 3           2.     MAINTAIN DOCUMENTATION OF COMPLETION OF THE  
4           CRIMINAL BACKGROUND CHECK AND BACKGROUND CHECK  
5           INFORMATION TO THE EXTENT ALLOWED BY STATE AND  
6           FEDERAL LAW; AND
- 7           3.     REPORT TO THE COMMISSION WHETHER IT HAS COMPLETED  
8           THE CRIMINAL BACKGROUND CHECK AND WHETHER THE  
9           INDIVIDUAL WAS GRANTED OR DENIED A LICENSE.
- 10       D.     A LICENSEE OF A PARTICIPATING STATE WHO HAS A QUALIFYING  
11       LICENSE IN THAT STATE AND DOES NOT HOLD AN ENCUMBERED  
12       LICENSE IN ANY OTHER PARTICIPATING STATE SHALL BE ISSUED A  
13       COMPACT PRIVILEGE IN A REMOTE STATE IN ACCORDANCE WITH  
14       THE TERMS OF THE COMPACT AND COMMISSION RULES. IF A  
15       REMOTE STATE HAS A JURISPRUDENCE REQUIREMENT, A COMPACT  
16       PRIVILEGE WILL NOT BE ISSUED TO THE LICENSEE UNLESS THE  
17       LICENSEE HAS SATISFIED THE JURISPRUDENCE REQUIREMENT.

18                           **SECTION 4. COMPACT PRIVILEGE**

- 19       A.     TO OBTAIN AND EXERCISE THE COMPACT PRIVILEGE UNDER THE  
20       TERMS AND PROVISIONS OF THE COMPACT, THE LICENSEE SHALL:
- 21           1.     HAVE A QUALIFYING LICENSE AS A DENTIST OR DENTAL  
22           HYGIENIST IN A PARTICIPATING STATE;
- 23           2.     BE ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY REMOTE  
24           STATE IN ACCORDANCE WITH SUBSECTION D, G, AND H OF  
25           THIS SECTION;
- 26           3.     SUBMIT TO AN APPLICATION PROCESS WHENEVER THE  
27           LICENSEE IS SEEKING A COMPACT PRIVILEGE;

- 1           4.     PAY ANY APPLICABLE COMMISSION AND REMOTE STATE  
2                   FEES FOR A COMPACT PRIVILEGE IN THE REMOTE STATE;
- 3           5.     MEET ANY JURISPRUDENCE REQUIREMENT ESTABLISHED BY  
4                   A REMOTE STATE IN WHICH THE LICENSEE IS SEEKING A  
5                   COMPACT PRIVILEGE;
- 6           6.     HAVE PASSED A NATIONAL BOARD EXAMINATION OF THE  
7                   JOINT COMMISSION ON NATIONAL DENTAL EXAMINATIONS  
8                   OR ANOTHER EXAMINATION ACCEPTED BY COMMISSION  
9                   RULE;
- 10          7.     FOR A DENTIST, HAVE GRADUATED FROM A PREDOCTORAL  
11                  DENTAL EDUCATION PROGRAM ACCREDITED BY THE  
12                  COMMISSION ON DENTAL ACCREDITATION, OR ANOTHER  
13                  ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES  
14                  DEPARTMENT OF EDUCATION FOR THE ACCREDITATION OF  
15                  DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS,  
16                  LEADING TO THE DOCTOR OF DENTAL SURGERY (D.D.S.) OR  
17                  DOCTOR OF DENTAL MEDICINE (D.M.D.) DEGREE;
- 18          8.     FOR A DENTAL HYGIENIST, HAVE GRADUATED FROM A  
19                  DENTAL HYGIENE EDUCATION PROGRAM ACCREDITED BY  
20                  THE COMMISSION ON DENTAL ACCREDITATION OR ANOTHER  
21                  ACCREDITING AGENCY RECOGNIZED BY THE UNITED STATES  
22                  DEPARTMENT OF EDUCATION FOR THE ACCREDITATION OF  
23                  DENTISTRY AND DENTAL HYGIENE EDUCATION PROGRAMS;
- 24          9.     HAVE SUCCESSFULLY COMPLETED A CLINICAL ASSESSMENT  
25                  FOR LICENSURE;
- 26          10.    REPORT TO THE COMMISSION ADVERSE ACTION TAKEN BY  
27                  ANY NON-PARTICIPATING STATE WHEN APPLYING FOR A

1 COMPACT PRIVILEGE AND, OTHERWISE, WITHIN THIRTY (30)  
2 DAYS FROM THE DATE THE ADVERSE ACTION IS TAKEN;

3 11. REPORT TO THE COMMISSION WHEN APPLYING FOR A  
4 COMPACT PRIVILEGE THE ADDRESS OF THE LICENSEE'S  
5 PRIMARY RESIDENCE AND THEREAFTER IMMEDIATELY  
6 REPORT TO THE COMMISSION ANY CHANGE IN THE ADDRESS  
7 OF THE LICENSEE'S PRIMARY RESIDENCE; AND

8 12. CONSENT TO ACCEPT SERVICE OF PROCESS BY MAIL AT THE  
9 LICENSEE'S PRIMARY RESIDENCE ON RECORD WITH THE  
10 COMMISSION WITH RESPECT TO ANY ACTION BROUGHT  
11 AGAINST THE LICENSEE BY THE COMMISSION OR A  
12 PARTICIPATING STATE AND CONSENT TO ACCEPT SERVICE  
13 OF A SUBPOENA BY MAIL AT THE LICENSEE'S PRIMARY  
14 RESIDENCE ON RECORD WITH THE COMMISSION WITH  
15 RESPECT TO ANY ACTION BROUGHT OR INVESTIGATION  
16 CONDUCTED BY THE COMMISSION OR A PARTICIPATING  
17 STATE.

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

26 C. A LICENSEE PROVIDING DENTISTRY OR DENTAL HYGIENE IN A  
27 REMOTE STATE UNDER THE COMPACT PRIVILEGE SHALL FUNCTION

1           WITHIN THE SCOPE OF PRACTICE AUTHORIZED BY THE REMOTE  
2           STATE FOR A DENTIST OR DENTAL HYGIENIST LICENSED IN THAT  
3           STATE.

4       D.    A LICENSEE PROVIDING DENTISTRY OR DENTAL HYGIENE  
5           PURSUANT TO A COMPACT PRIVILEGE IN A REMOTE STATE IS  
6           SUBJECT TO THAT STATE'S REGULATORY AUTHORITY. A REMOTE  
7           STATE MAY, IN ACCORDANCE WITH DUE PROCESS AND THAT  
8           STATE'S LAWS, BY ADVERSE ACTION REVOKE OR REMOVE A  
9           LICENSEE'S COMPACT PRIVILEGE IN THE REMOTE STATE FOR A  
10          SPECIFIC PERIOD OF TIME AND IMPOSE FINES OR TAKE ANY OTHER  
11          NECESSARY ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS  
12          CITIZENS. IF A REMOTE STATE IMPOSES AN ADVERSE ACTION  
13          AGAINST A COMPACT PRIVILEGE THAT LIMITS THE COMPACT  
14          PRIVILEGE, THAT ADVERSE ACTION APPLIES TO ALL COMPACT  
15          PRIVILEGES IN ALL REMOTE STATES. A LICENSEE WHOSE COMPACT  
16          PRIVILEGE IN A REMOTE STATE IS REMOVED FOR A SPECIFIED  
17          PERIOD OF TIME IS NOT ELIGIBLE FOR A COMPACT PRIVILEGE IN ANY  
18          OTHER REMOTE STATE UNTIL THE SPECIFIC TIME FOR REMOVAL OF  
19          THE COMPACT PRIVILEGE HAS PASSED AND ALL ENCUMBRANCE  
20          REQUIREMENTS ARE SATISFIED.

21       E.    IF A LICENSE IN A PARTICIPATING STATE IS AN ENCUMBERED  
22           LICENSE, THE LICENSEE SHALL LOSE THE COMPACT PRIVILEGE IN  
23           A REMOTE STATE AND SHALL NOT BE ELIGIBLE FOR A COMPACT  
24           PRIVILEGE IN ANY REMOTE STATE UNTIL THE LICENSE IS NO  
25           LONGER ENCUMBERED.

26       F.    ONCE AN ENCUMBERED LICENSE IN A PARTICIPATING STATE IS  
27           RESTORED TO GOOD STANDING, THE LICENSEE MUST MEET THE

1           REQUIREMENTS OF SUBSECTION A OF THIS SECTION TO OBTAIN A  
2           COMPACT PRIVILEGE IN A REMOTE STATE.

3    G.    IF A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE STATE IS  
4           REMOVED BY THE REMOTE STATE, THE INDIVIDUAL SHALL LOSE OR  
5           BE INELIGIBLE FOR THE COMPACT PRIVILEGE IN ANY REMOTE  
6           STATE UNTIL THE FOLLOWING OCCUR:

- 7           1.    THE SPECIFIC PERIOD OF TIME FOR WHICH THE COMPACT  
8                    PRIVILEGE WAS REMOVED HAS ENDED; AND  
9           2.    ALL CONDITIONS FOR REMOVAL OF THE COMPACT  
10                  PRIVILEGE HAVE BEEN SATISFIED.

11   H.    ONCE THE REQUIREMENTS OF SUBSECTION G OF THIS SECTION  
12           HAVE BEEN MET, THE LICENSEE MUST MEET THE REQUIREMENTS IN  
13           SUBSECTION A OF THIS SECTION TO OBTAIN A COMPACT PRIVILEGE  
14           IN A REMOTE STATE.

15                                    **SECTION 5.**

16           **ACTIVE MILITARY MEMBERS OR THEIR SPOUSES**

17           AN ACTIVE MILITARY MEMBER AND THEIR SPOUSE SHALL NOT BE  
18           REQUIRED TO PAY TO THE COMMISSION FOR A COMPACT PRIVILEGE THE  
19           FEE OTHERWISE CHARGED BY THE COMMISSION. IF A REMOTE STATE  
20           CHOOSES TO CHARGE A FEE FOR A COMPACT PRIVILEGE, IT MAY CHOOSE  
21           TO CHARGE A REDUCED FEE OR NO FEE TO AN ACTIVE MILITARY MEMBER  
22           AND THEIR SPOUSE FOR A COMPACT PRIVILEGE.

23                                    **SECTION 6. ADVERSE ACTIONS**

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



1 B. A PARTICIPATING STATE MAY TAKE ADVERSE ACTION BASED ON  
2 THE SIGNIFICANT INVESTIGATIVE INFORMATION OF A REMOTE  
3 STATE, SO LONG AS THE PARTICIPATING STATE FOLLOWS ITS OWN  
4 PROCEDURES FOR IMPOSING ADVERSE ACTION.

5 C. NOTHING IN THIS COMPACT SHALL OVERRIDE A PARTICIPATING  
6 STATE'S DECISION THAT PARTICIPATION IN AN ALTERNATIVE  
7 PROGRAM MAY BE USED IN LIEU OF ADVERSE ACTION AND THAT  
8 SUCH PARTICIPATION SHALL REMAIN NON-PUBLIC IF REQUIRED BY  
9 THE PARTICIPATING STATE'S LAWS. PARTICIPATING STATES MUST  
10 REQUIRE LICENSEES WHO ENTER ANY ALTERNATIVE PROGRAM IN  
11 LIEU OF DISCIPLINE TO AGREE NOT TO PRACTICE PURSUANT TO A  
12 COMPACT PRIVILEGE IN ANY OTHER PARTICIPATING STATE DURING  
13 THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR  
14 AUTHORIZATION FROM SUCH OTHER PARTICIPATING STATE.

15 D. ANY PARTICIPATING STATE IN WHICH A LICENSEE IS APPLYING TO  
16 PRACTICE OR IS PRACTICING PURSUANT TO A COMPACT PRIVILEGE  
17 MAY INVESTIGATE ACTUAL OR ALLEGED VIOLATIONS OF THE  
18 STATUTES AND REGULATIONS AUTHORIZING THE PRACTICE OF  
19 DENTISTRY OR DENTAL HYGIENE IN ANY OTHER PARTICIPATING  
20 STATE IN WHICH THE DENTIST OR DENTAL HYGIENIST HOLDS A  
21 LICENSE OR COMPACT PRIVILEGE.

22 E. A REMOTE STATE SHALL HAVE THE AUTHORITY TO:  
23 1. TAKE ADVERSE ACTIONS AS SET FORTH IN SECTION 4.D  
24 AGAINST A LICENSEE'S COMPACT PRIVILEGE IN THE STATE;  
25 2. IN FURTHERANCE OF ITS RIGHTS AND RESPONSIBILITIES  
26 UNDER THE COMPACT AND THE COMMISSION'S RULES, ISSUE  
27 SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS

1 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF  
2 WITNESSES AND THE PRODUCTION OF EVIDENCE.  
3 SUBPOENAS ISSUED BY A STATE LICENSING AUTHORITY IN  
4 A PARTICIPATING STATE FOR THE ATTENDANCE AND  
5 TESTIMONY OF WITNESSES, OR THE PRODUCTION OF  
6 EVIDENCE FROM ANOTHER PARTICIPATING STATE, SHALL BE  
7 ENFORCED IN THE LATTER STATE BY ANY COURT OF  
8 COMPETENT JURISDICTION, ACCORDING TO THE PRACTICE  
9 AND PROCEDURE OF THAT COURT APPLICABLE TO  
10 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.  
11 THE ISSUING AUTHORITY SHALL PAY ANY WITNESS FEES,  
12 TRAVEL EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY  
13 THE SERVICE STATUTES OF THE STATE WHERE THE  
14 WITNESSES OR EVIDENCE IS LOCATED; AND  
15 3. IF OTHERWISE PERMITTED BY STATE LAW, RECOVER FROM  
16 THE LICENSEE THE COSTS OF INVESTIGATIONS AND  
17 DISPOSITION OF CASES RESULTING FROM ANY ADVERSE  
18 ACTION TAKEN AGAINST THAT LICENSEE.

19 F. JOINT INVESTIGATIONS

- 20 1. IN ADDITION TO THE AUTHORITY GRANTED TO A  
21 PARTICIPATING STATE BY ITS DENTIST OR DENTAL  
22 HYGIENIST LICENSURE ACT OR OTHER APPLICABLE STATE  
23 LAW, A PARTICIPATING STATE MAY JOINTLY INVESTIGATE  
24 LICENSEES WITH OTHER PARTICIPATING STATES.  
25 2. PARTICIPATING STATES SHALL SHARE ANY SIGNIFICANT  
26 INVESTIGATIVE INFORMATION, LITIGATION, OR COMPLIANCE  
27 MATERIALS IN FURTHERANCE OF ANY JOINT OR INDIVIDUAL

1 INVESTIGATION INITIATED UNDER THE COMPACT.

2 G. AUTHORITY TO CONTINUE INVESTIGATION

3 1. AFTER A LICENSEE'S COMPACT PRIVILEGE IN A REMOTE  
4 STATE IS TERMINATED, THE REMOTE STATE MAY CONTINUE  
5 AN INVESTIGATION OF THE LICENSEE THAT BEGAN WHEN  
6 THE LICENSEE HAD A COMPACT PRIVILEGE IN THAT REMOTE  
7 STATE.

8 2. IF THE INVESTIGATION YIELDS WHAT WOULD BE  
9 SIGNIFICANT INVESTIGATIVE INFORMATION HAD THE  
10 LICENSEE CONTINUED TO HAVE A COMPACT PRIVILEGE IN  
11 THAT REMOTE STATE, THE REMOTE STATE SHALL REPORT  
12 THE PRESENCE OF SUCH INFORMATION TO THE DATA  
13 SYSTEM AS REQUIRED BY SECTION 8.B.6 AS IF IT WAS  
14 SIGNIFICANT INVESTIGATIVE INFORMATION.

15 **SECTION 7.**

16 **ESTABLISHMENT AND OPERATION OF THE COMMISSION**

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

25 B. PARTICIPATION, VOTING, AND MEETINGS

26 1. EACH PARTICIPATING STATE SHALL HAVE AND BE LIMITED  
27 TO ONE (1) COMMISSIONER SELECTED BY THAT

1 PARTICIPATING STATE'S STATE LICENSING AUTHORITY OR,  
2 IF THE STATE HAS MORE THAN ONE STATE LICENSING  
3 AUTHORITY, SELECTED COLLECTIVELY BY THE STATE  
4 LICENSING AUTHORITIES.

5 2. THE COMMISSIONER SHALL BE A MEMBER OR DESIGNEE OF  
6 SUCH AUTHORITY OR AUTHORITIES.

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

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

14 5. A PARTICIPATING STATE'S STATE LICENSING AUTHORITY,  
15 OR AUTHORITIES, AS APPLICABLE, SHALL FILL ANY  
16 VACANCY OF ITS COMMISSIONER ON THE COMMISSION  
17 WITHIN SIXTY (60) DAYS OF THE VACANCY.

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

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

25 C. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

26 1. ESTABLISH THE FISCAL YEAR OF THE COMMISSION;

27 2. ESTABLISH A CODE OF CONDUCT AND CONFLICT OF

- 1 INTEREST POLICIES;
- 2 3. ADOPT RULES AND BYLAWS;
- 3 4. MAINTAIN ITS FINANCIAL RECORDS IN ACCORDANCE WITH
- 4 THE BYLAWS;
- 5 5. MEET AND TAKE SUCH ACTIONS AS ARE CONSISTENT WITH
- 6 THE PROVISIONS OF THIS COMPACT, THE COMMISSION'S
- 7 RULES, AND THE BYLAWS;
- 8 6. INITIATE AND CONCLUDE LEGAL PROCEEDINGS OR ACTIONS
- 9 IN THE NAME OF THE COMMISSION, PROVIDED THAT THE
- 10 STANDING OF ANY STATE LICENSING AUTHORITY TO SUE OR
- 11 BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED;
- 12 7. MAINTAIN AND CERTIFY RECORDS AND INFORMATION
- 13 PROVIDED TO A PARTICIPATING STATE AS THE
- 14 AUTHENTICATED BUSINESS RECORDS OF THE COMMISSION
- 15 AND DESIGNATE A PERSON TO DO SO ON THE COMMISSION'S
- 16 BEHALF;
- 17 8. PURCHASE AND MAINTAIN INSURANCE AND BONDS;
- 18 9. BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
- 19 PERSONNEL, INCLUDING, BUT NOT LIMITED TO, EMPLOYEES
- 20 OF A PARTICIPATING STATE;
- 21 10. CONDUCT AN ANNUAL FINANCIAL REVIEW;
- 22 11. HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
- 23 COMPENSATION, DEFINE DUTIES, GRANT SUCH INDIVIDUALS
- 24 APPROPRIATE AUTHORITY TO CARRY OUT THE PURPOSES OF
- 25 THE COMPACT, AND ESTABLISH THE COMMISSION'S
- 26 PERSONNEL POLICIES AND PROGRAMS RELATING TO
- 27 CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,

- 1 AND OTHER RELATED PERSONNEL MATTERS;
- 2 12. AS SET FORTH IN THE COMMISSION RULES, CHARGE A FEE
- 3 TO A LICENSEE FOR THE GRANT OF A COMPACT PRIVILEGE
- 4 IN A REMOTE STATE AND THEREAFTER, AS MAY BE
- 5 ESTABLISHED BY COMMISSION RULE, CHARGE THE
- 6 LICENSEE A COMPACT PRIVILEGE RENEWAL FEE FOR EACH
- 7 RENEWAL PERIOD IN WHICH THAT LICENSEE EXERCISES OR
- 8 INTENDS TO EXERCISE THE COMPACT PRIVILEGE IN THAT
- 9 REMOTE STATE. NOTHING HEREIN SHALL BE CONSTRUED TO
- 10 PREVENT A REMOTE STATE FROM CHARGING A LICENSEE A
- 11 FEE FOR A COMPACT PRIVILEGE OR RENEWALS OF A
- 12 COMPACT PRIVILEGE, OR A FEE FOR THE JURISPRUDENCE
- 13 REQUIREMENT IF THE REMOTE STATE IMPOSES SUCH A
- 14 REQUIREMENT FOR THE GRANT OF A COMPACT PRIVILEGE.
- 15 13. ACCEPT ANY AND ALL APPROPRIATE GIFTS, DONATIONS,
- 16 GRANTS OF MONEY, OTHER SOURCES OF REVENUE,
- 17 EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES AND
- 18 RECEIVE, UTILIZE, AND DISPOSE OF THE SAME; PROVIDED
- 19 THAT AT ALL TIMES THE COMMISSION SHALL AVOID ANY
- 20 APPEARANCE OF IMPROPRIETY, CONFLICT OF INTEREST, OR
- 21 BOTH;
- 22 14. LEASE, PURCHASE, RETAIN, OWN, HOLD, IMPROVE, OR USE
- 23 ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY
- 24 UNDIVIDED INTEREST THEREIN;
- 25 15. SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
- 26 ABANDON, OR OTHERWISE DISPOSE OF ANY PROPERTY, REAL,
- 27 PERSONAL, OR MIXED;

- 1           16. ESTABLISH A BUDGET AND MAKE EXPENDITURES;
- 2           17. BORROW MONEY;
- 3           18. APPOINT COMMITTEES, INCLUDING STANDING COMMITTEES,
- 4                 WHICH MAY BE COMPOSED OF MEMBERS, STATE
- 5                 REGULATORS, STATE LEGISLATORS OR THEIR
- 6                 REPRESENTATIVES, CONSUMER REPRESENTATIVES, AND
- 7                 SUCH OTHER INTERESTED PERSONS AS MAY BE DESIGNATED
- 8                 IN THIS COMPACT AND THE BYLAWS;
- 9           19. PROVIDE AND RECEIVE INFORMATION FROM, AND
- 10                 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;
- 11           20. ELECT A CHAIR, VICE CHAIR, SECRETARY, TREASURER,
- 12                 AND SUCH OTHER OFFICERS OF THE COMMISSION AS
- 13                 PROVIDED IN THE COMMISSION'S BYLAWS;
- 14           21. ESTABLISH AND ELECT AN EXECUTIVE BOARD;
- 15           22. ADOPT AND PROVIDE TO THE PARTICIPATING STATES AN
- 16                 ANNUAL REPORT;
- 17           23. DETERMINE WHETHER A STATE'S ENACTED COMPACT IS
- 18                 MATERIALLY DIFFERENT FROM THE MODEL COMPACT
- 19                 LANGUAGE SUCH THAT THE STATE WOULD NOT QUALIFY
- 20                 FOR PARTICIPATION IN THE COMPACT; AND
- 21           24. PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY
- 22                 OR APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS
- 23                 COMPACT.

24   D. MEETINGS OF THE COMMISSION

- 25           1. ALL MEETINGS OF THE COMMISSION THAT ARE NOT CLOSED
- 26                 PURSUANT TO THIS SUBSECTION D SHALL BE OPEN TO THE
- 27                 PUBLIC. NOTICE OF PUBLIC MEETINGS SHALL BE POSTED ON

1 THE COMMISSION'S WEBSITE AT LEAST THIRTY (30) DAYS  
2 PRIOR TO THE PUBLIC MEETING.

3 2. NOTWITHSTANDING SUBSECTION D.1 OF THIS SECTION, THE  
4 COMMISSION MAY CONVENE AN EMERGENCY PUBLIC  
5 MEETING BY PROVIDING AT LEAST TWENTY-FOUR (24)  
6 HOURS' PRIOR NOTICE ON THE COMMISSION'S WEBSITE AND  
7 BY ANY OTHER MEANS AS PROVIDED IN THE COMMISSION'S  
8 RULES FOR ANY OF THE REASONS IT MAY DISPENSE WITH  
9 NOTICE OF PROPOSED RULEMAKING UNDER SECTION 9.L.  
10 THE COMMISSION'S LEGAL COUNSEL SHALL CERTIFY THAT  
11 ONE OF THE REASONS JUSTIFYING AN EMERGENCY PUBLIC  
12 MEETING HAS BEEN MET.

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

20 4. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC  
21 MEETING FOR THE COMMISSION TO RECEIVE LEGAL ADVICE  
22 OR TO DISCUSS:

- 23 a. NON-COMPLIANCE OF A PARTICIPATING STATE WITH  
24 ITS OBLIGATIONS UNDER THE COMPACT;
- 25 b. THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR  
26 OTHER MATTERS, PRACTICES OR PROCEDURES  
27 RELATED TO SPECIFIC EMPLOYEES OR OTHER



- 1                       MATTERS RELATED TO THE COMMISSION'S INTERNAL  
2                       PERSONNEL PRACTICES AND PROCEDURES;
- 3                       c.     CURRENT OR THREATENED DISCIPLINE OF A  
4                       LICENSEE OR COMPACT PRIVILEGE HOLDER BY THE  
5                       COMMISSION OR BY A PARTICIPATING STATE'S  
6                       LICENSING AUTHORITY;
- 7                       d.     CURRENT, THREATENED, OR REASONABLY  
8                       ANTICIPATED LITIGATION;
- 9                       e.     NEGOTIATION OF CONTRACTS FOR THE PURCHASE,  
10                      LEASE, OR SALE OF GOODS, SERVICES, OR REAL  
11                      ESTATE;
- 12                     f.     ACCUSING ANY PERSON OF A CRIME OR FORMALLY  
13                      CENSURING ANY PERSON;
- 14                     g.     TRADE SECRETS OR COMMERCIAL OR FINANCIAL  
15                      INFORMATION THAT IS PRIVILEGED OR  
16                      CONFIDENTIAL;
- 17                     h.     INFORMATION OF A PERSONAL NATURE WHERE  
18                      DISCLOSURE WOULD CONSTITUTE A CLEARLY  
19                      UNWARRANTED INVASION OF PERSONAL PRIVACY;
- 20                     i.     INVESTIGATIVE RECORDS COMPILED FOR LAW  
21                      ENFORCEMENT PURPOSES;
- 22                     j.     INFORMATION RELATED TO ANY INVESTIGATIVE  
23                      REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE  
24                      OF THE COMMISSION OR OTHER COMMITTEE  
25                      CHARGED WITH RESPONSIBILITY OF INVESTIGATION  
26                      OR DETERMINATION OF COMPLIANCE ISSUES  
27                      PURSUANT TO THE COMPACT;

- 1 k. LEGAL ADVICE;
- 2 l. MATTERS SPECIFICALLY EXEMPTED FROM
- 3 DISCLOSURE TO THE PUBLIC BY FEDERAL OR
- 4 PARTICIPATING STATE LAW; AND
- 5 m. OTHER MATTERS AS PROMULGATED BY THE
- 6 COMMISSION BY RULE.

7 5. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED, THE  
8 PRESIDING OFFICER SHALL STATE THAT THE MEETING WILL  
9 BE CLOSED AND REFERENCE EACH RELEVANT EXEMPTING  
10 PROVISION, AND SUCH REFERENCE SHALL BE RECORDED IN  
11 THE MINUTES.

12 6. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND  
13 CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A MEETING  
14 AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY OF  
15 ACTIONS TAKEN AND THE REASONS THEREFORE, INCLUDING  
16 A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS  
17 CONSIDERED IN CONNECTION WITH AN ACTION SHALL BE  
18 IDENTIFIED IN SUCH MINUTES. ALL MINUTES AND  
19 DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER  
20 SEAL, SUBJECT TO RELEASE ONLY BY A MAJORITY VOTE OF  
21 THE COMMISSION OR ORDER OF A COURT OF COMPETENT  
22 JURISDICTION.

23 E. FINANCING OF THE COMMISSION

24 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE  
25 PAYMENT OF, THE REASONABLE EXPENSES OF ITS  
26 ESTABLISHMENT, ORGANIZATION, AND ONGOING ACTIVITIES.

27 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE

1 SOURCES OF REVENUE, DONATIONS, AND GRANTS OF  
2 MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES.

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

16 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY  
17 KIND PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET  
18 THE SAME; NOR SHALL THE COMMISSION PLEDGE THE  
19 CREDIT OF ANY PARTICIPATING STATE, EXCEPT BY AND  
20 WITH THE AUTHORITY OF THE PARTICIPATING STATE.

21 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL  
22 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND  
23 DISBURSEMENTS OF THE COMMISSION SHALL BE SUBJECT TO  
24 THE FINANCIAL REVIEW AND ACCOUNTING PROCEDURES  
25 ESTABLISHED UNDER ITS BYLAWS. ALL RECEIPTS AND  
26 DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION  
27 SHALL BE SUBJECT TO AN ANNUAL FINANCIAL REVIEW BY A

1 CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND THE  
2 REPORT OF THE FINANCIAL REVIEW SHALL BE INCLUDED IN  
3 AND BECOME PART OF THE ANNUAL REPORT OF THE  
4 COMMISSION.

5 F. THE EXECUTIVE BOARD

6 1. THE EXECUTIVE BOARD SHALL HAVE THE POWER TO ACT ON  
7 BEHALF OF THE COMMISSION ACCORDING TO THE TERMS OF  
8 THIS COMPACT. THE POWERS, DUTIES, AND  
9 RESPONSIBILITIES OF THE EXECUTIVE BOARD SHALL  
10 INCLUDE:

- 11 a. OVERSEEING THE DAY-TO-DAY ACTIVITIES OF THE  
12 ADMINISTRATION OF THE COMPACT INCLUDING  
13 COMPLIANCE WITH THE PROVISIONS OF THE  
14 COMPACT, THE COMMISSION'S RULES, AND BYLAWS;
- 15 b. RECOMMENDING TO THE COMMISSION CHANGES TO  
16 THE RULES OR BYLAWS, CHANGES TO THIS COMPACT  
17 LEGISLATION, FEES CHARGED TO COMPACT  
18 PARTICIPATING STATES, FEES CHARGED TO  
19 LICENSEES, AND OTHER FEES;
- 20 c. ENSURING COMPACT ADMINISTRATION SERVICES  
21 ARE APPROPRIATELY PROVIDED, INCLUDING BY  
22 CONTRACT;
- 23 d. PREPARING AND RECOMMENDING THE BUDGET;
- 24 e. MAINTAINING FINANCIAL RECORDS ON BEHALF OF  
25 THE COMMISSION;
- 26 f. MONITORING COMPACT COMPLIANCE OF  
27 PARTICIPATING STATES AND PROVIDING

- 1 COMPLIANCE REPORTS TO THE COMMISSION;
- 2 g. ESTABLISHING ADDITIONAL COMMITTEES AS
- 3 NECESSARY;
- 4 h. EXERCISING THE POWERS AND DUTIES OF THE
- 5 COMMISSION DURING THE INTERIM BETWEEN
- 6 COMMISSION MEETINGS, EXCEPT FOR ADOPTING OR
- 7 AMENDING RULES, ADOPTING OR AMENDING
- 8 BYLAWS, AND EXERCISING ANY OTHER POWERS AND
- 9 DUTIES EXPRESSLY RESERVED TO THE COMMISSION
- 10 BY RULE OR BYLAW; AND
- 11 i. OTHER DUTIES AS PROVIDED IN THE RULES OR
- 12 BYLAWS OF THE COMMISSION.
- 13 2. THE EXECUTIVE BOARD SHALL BE COMPOSED OF UP TO
- 14 SEVEN (7) MEMBERS:
- 15 a. THE CHAIR, VICE CHAIR, SECRETARY, TREASURER,
- 16 AND ANY OTHER MEMBERS OF THE COMMISSION
- 17 WHO SERVE ON THE EXECUTIVE BOARD SHALL BE
- 18 VOTING MEMBERS OF THE EXECUTIVE BOARD; AND
- 19 b. OTHER THAN THE CHAIR, VICE CHAIR, SECRETARY,
- 20 AND TREASURER, THE COMMISSION MAY ELECT UP
- 21 TO THREE (3) VOTING MEMBERS FROM THE CURRENT
- 22 MEMBERSHIP OF THE COMMISSION.
- 23 3. THE COMMISSION MAY REMOVE ANY MEMBER OF THE
- 24 EXECUTIVE BOARD AS PROVIDED IN THE COMMISSION'S
- 25 BYLAWS.
- 26 4. THE EXECUTIVE BOARD SHALL MEET AT LEAST ANNUALLY.
- 27 a. AN EXECUTIVE BOARD MEETING AT WHICH IT TAKES

1 OR INTENDS TO TAKE FORMAL ACTION ON A MATTER  
2 SHALL BE OPEN TO THE PUBLIC, EXCEPT THAT THE  
3 EXECUTIVE BOARD MAY MEET IN A CLOSED,  
4 NON-PUBLIC SESSION OF A PUBLIC MEETING WHEN  
5 DEALING WITH ANY OF THE MATTERS COVERED  
6 UNDER SUBSECTION D.4 OF THIS SECTION.

7 b. THE EXECUTIVE BOARD SHALL GIVE FIVE (5)  
8 BUSINESS DAYS' NOTICE OF ITS PUBLIC MEETINGS,  
9 POSTED ON ITS WEBSITE AND AS IT MAY OTHERWISE  
10 DETERMINE TO PROVIDE NOTICE TO PERSONS WITH  
11 AN INTEREST IN THE PUBLIC MATTERS THE  
12 EXECUTIVE BOARD INTENDS TO ADDRESS AT THOSE  
13 MEETINGS.

14 5. THE EXECUTIVE BOARD MAY HOLD AN EMERGENCY  
15 MEETING WHEN ACTING FOR THE COMMISSION TO:

- 16 a. MEET AN IMMINENT THREAT TO PUBLIC HEALTH,  
17 SAFETY, OR WELFARE;
- 18 b. PREVENT A LOSS OF COMMISSION OR PARTICIPATING  
19 STATE FUNDS; OR
- 20 c. PROTECT PUBLIC HEALTH AND SAFETY.

21 G. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION

22 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR,  
23 EMPLOYEES, AND REPRESENTATIVES OF THE COMMISSION  
24 SHALL BE IMMUNE FROM SUIT AND LIABILITY, BOTH  
25 PERSONALLY AND IN THEIR OFFICIAL CAPACITY, FOR ANY  
26 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL  
27 INJURY OR OTHER CIVIL LIABILITY CAUSED BY OR ARISING

1 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION  
2 THAT OCCURRED, OR THAT THE PERSON AGAINST WHOM THE  
3 CLAIM IS MADE HAD A REASONABLE BASIS FOR BELIEVING  
4 OCCURRED, WITHIN THE SCOPE OF COMMISSION  
5 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES; PROVIDED  
6 THAT NOTHING IN THIS SUBSECTION G.1 SHALL BE  
7 CONSTRUED TO PROTECT ANY SUCH PERSON FROM SUIT OR  
8 LIABILITY FOR ANY DAMAGE, LOSS, INJURY, OR LIABILITY  
9 CAUSED BY THE INTENTIONAL OR WILLFUL OR WANTON  
10 MISCONDUCT OF THAT PERSON. THE PROCUREMENT OF  
11 INSURANCE OF ANY TYPE BY THE COMMISSION SHALL NOT  
12 IN ANY WAY COMPROMISE OR LIMIT THE IMMUNITY  
13 GRANTED HEREUNDER.

14 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,  
15 EXECUTIVE DIRECTOR, EMPLOYEE, AND REPRESENTATIVE OF  
16 THE COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE  
17 LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,  
18 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF  
19 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,  
20 OR AS DETERMINED BY THE COMMISSION THAT THE PERSON  
21 AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE  
22 BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF  
23 COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES;  
24 PROVIDED THAT NOTHING HEREIN SHALL BE CONSTRUED TO  
25 PROHIBIT THAT PERSON FROM RETAINING THEIR OWN  
26 COUNSEL AT THEIR OWN EXPENSE; AND PROVIDED FURTHER,  
27 THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION

1 DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR  
2 WILLFUL OR WANTON MISCONDUCT.

3 3. NOTWITHSTANDING SUBSECTION G.1 OF THIS SECTION,  
4 SHOULD ANY MEMBER, OFFICER, EXECUTIVE DIRECTOR,  
5 EMPLOYEE, OR REPRESENTATIVE OF THE COMMISSION BE  
6 HELD LIABLE FOR THE AMOUNT OF ANY SETTLEMENT OR  
7 JUDGMENT ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,  
8 ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF  
9 THAT INDIVIDUAL'S EMPLOYMENT, DUTIES, OR  
10 RESPONSIBILITIES FOR THE COMMISSION, OR THAT THE  
11 PERSON TO WHOM THAT INDIVIDUAL IS LIABLE HAD A  
12 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE  
13 SCOPE OF THE INDIVIDUAL'S EMPLOYMENT, DUTIES, OR  
14 RESPONSIBILITIES FOR THE COMMISSION, THE COMMISSION  
15 SHALL INDEMNIFY AND HOLD HARMLESS SUCH INDIVIDUAL,  
16 PROVIDED THAT THE ACTUAL OR ALLEGED ACT, ERROR, OR  
17 OMISSION DID NOT RESULT FROM THE INTENTIONAL OR  
18 WILLFUL OR WANTON MISCONDUCT OF THE INDIVIDUAL.

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

24 5. NOTHING IN THIS COMPACT SHALL BE INTERPRETED TO  
25 WAIVE OR OTHERWISE ABROGATE A PARTICIPATING STATE'S  
26 STATE ACTION IMMUNITY OR STATE ACTION AFFIRMATIVE  
27 DEFENSE WITH RESPECT TO ANTITRUST CLAIMS UNDER THE



1 SHERMAN ACT, CLAYTON ACT, OR ANY OTHER STATE OR  
2 FEDERAL ANTITRUST OR ANTICOMPETITIVE LAW OR  
3 REGULATION.

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

7 **SECTION 8. DATA SYSTEM**

8 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT,  
9 MAINTENANCE, OPERATION, AND UTILIZATION OF A COORDINATED  
10 DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE,  
11 ADVERSE ACTION, AND THE PRESENCE OF SIGNIFICANT  
12 INVESTIGATIVE INFORMATION ON ALL LICENSEES AND APPLICANTS  
13 FOR A LICENSE IN PARTICIPATING STATES.

14 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE  
15 CONTRARY, A PARTICIPATING STATE SHALL SUBMIT A UNIFORM  
16 DATA SET TO THE DATA SYSTEM ON ALL INDIVIDUALS TO WHOM  
17 THIS COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE  
18 COMMISSION, INCLUDING:

- 19 1. IDENTIFYING INFORMATION;
- 20 2. LICENSURE DATA;
- 21 3. ADVERSE ACTIONS AGAINST A LICENSEE, LICENSE  
22 APPLICANT, OR COMPACT PRIVILEGE AND INFORMATION  
23 RELATED THERETO;
- 24 4. NON-CONFIDENTIAL INFORMATION RELATED TO  
25 ALTERNATIVE PROGRAM PARTICIPATION, THE BEGINNING  
26 AND ENDING DATES OF SUCH PARTICIPATION, AND OTHER  
27 INFORMATION RELATED TO SUCH PARTICIPATION;

- 1           5.     ANY DENIAL OF AN APPLICATION FOR LICENSURE, AND THE
- 2                 REASON(S) FOR SUCH DENIAL, EXCLUDING THE REPORTING
- 3                 OF ANY CRIMINAL HISTORY RECORD INFORMATION WHERE
- 4                 PROHIBITED BY LAW;
- 5           6.     THE PRESENCE OF SIGNIFICANT INVESTIGATIVE
- 6                 INFORMATION; AND
- 7           7.     OTHER INFORMATION THAT MAY FACILITATE THE
- 8                 ADMINISTRATION OF THIS COMPACT OR THE PROTECTION OF
- 9                 THE PUBLIC, AS DETERMINED BY THE RULES OF THE
- 10                COMMISSION.

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

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

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

1 F. PARTICIPATING STATES CONTRIBUTING INFORMATION TO THE  
2 DATA SYSTEM MAY DESIGNATE INFORMATION THAT MAY NOT BE  
3 SHARED WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF  
4 THE CONTRIBUTING STATE.

5 G. ANY INFORMATION SUBMITTED TO THE DATA SYSTEM THAT IS  
6 SUBSEQUENTLY EXPUNGED PURSUANT TO FEDERAL LAW OR THE  
7 LAWS OF THE PARTICIPATING STATE CONTRIBUTING THE  
8 INFORMATION SHALL BE REMOVED FROM THE DATA SYSTEM.

9 **SECTION 9. RULEMAKING**

10 A. THE COMMISSION SHALL PROMULGATE REASONABLE RULES IN  
11 ORDER TO EFFECTIVELY AND EFFICIENTLY IMPLEMENT AND  
12 ADMINISTER THE PURPOSES AND PROVISIONS OF THE COMPACT. A  
13 COMMISSION RULE SHALL BE INVALID AND HAVE NO FORCE OR  
14 EFFECT ONLY IF A COURT OF COMPETENT JURISDICTION HOLDS THAT  
15 THE RULE IS INVALID BECAUSE THE COMMISSION EXERCISED ITS  
16 RULEMAKING AUTHORITY IN A MANNER THAT IS BEYOND THE SCOPE  
17 AND PURPOSES OF THE COMPACT, OR THE POWERS GRANTED  
18 HEREUNDER, OR BASED UPON ANOTHER APPLICABLE STANDARD OF  
19 REVIEW.

20 B. THE RULES OF THE COMMISSION SHALL HAVE THE FORCE OF LAW  
21 IN EACH PARTICIPATING STATE, PROVIDED HOWEVER THAT WHERE  
22 THE RULES OF THE COMMISSION CONFLICT WITH THE LAWS OF THE  
23 PARTICIPATING STATE THAT ESTABLISH THE PARTICIPATING  
24 STATE'S SCOPE OF PRACTICE AS HELD BY A COURT OF COMPETENT  
25 JURISDICTION, THE RULES OF THE COMMISSION SHALL BE  
26 INEFFECTIVE IN THAT STATE TO THE EXTENT OF THE CONFLICT.

27 C. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS

1 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION AND THE  
2 RULES ADOPTED THEREUNDER. RULES SHALL BECOME BINDING AS  
3 OF THE DATE SPECIFIED BY THE COMMISSION FOR EACH RULE.

4 D. IF A MAJORITY OF THE LEGISLATURES OF THE PARTICIPATING  
5 STATES REJECTS A COMMISSION RULE OR PORTION OF A  
6 COMMISSION RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION  
7 IN THE SAME MANNER USED TO ADOPT THE COMPACT, WITHIN FOUR  
8 (4) YEARS OF THE DATE OF ADOPTION OF THE RULE, THEN SUCH  
9 RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY  
10 PARTICIPATING STATE OR TO ANY STATE APPLYING TO  
11 PARTICIPATE IN THE COMPACT.

12 E. RULES SHALL BE ADOPTED AT A REGULAR OR SPECIAL MEETING OF  
13 THE COMMISSION.

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

18 G. PRIOR TO ADOPTION OF A PROPOSED RULE BY THE COMMISSION,  
19 AND AT LEAST THIRTY (30) DAYS IN ADVANCE OF THE MEETING AT  
20 WHICH THE COMMISSION WILL HOLD A PUBLIC HEARING ON THE  
21 PROPOSED RULE, THE COMMISSION SHALL PROVIDE A NOTICE OF  
22 PROPOSED RULEMAKING:

- 23 1. ON THE WEBSITE OF THE COMMISSION OR OTHER PUBLICLY  
24 ACCESSIBLE PLATFORM;
- 25 2. TO PERSONS WHO HAVE REQUESTED NOTICE OF THE  
26 COMMISSION'S NOTICES OF PROPOSED RULEMAKING; AND
- 27 3. IN SUCH OTHER WAY(S) AS THE COMMISSION MAY BY RULE

- 1 SPECIFY.
- 2 H. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE:
- 3 1. THE TIME, DATE, AND LOCATION OF THE PUBLIC HEARING AT
- 4 WHICH THE COMMISSION WILL HEAR PUBLIC COMMENTS ON
- 5 THE PROPOSED RULE AND, IF DIFFERENT, THE TIME, DATE,
- 6 AND LOCATION OF THE MEETING WHERE THE COMMISSION
- 7 WILL CONSIDER AND VOTE ON THE PROPOSED RULE;
- 8 2. IF THE HEARING IS HELD VIA TELECOMMUNICATION, VIDEO
- 9 CONFERENCE, OR OTHER ELECTRONIC MEANS, THE
- 10 COMMISSION SHALL INCLUDE THE MECHANISM FOR ACCESS
- 11 TO THE HEARING IN THE NOTICE OF PROPOSED
- 12 RULEMAKING;
- 13 3. THE TEXT OF THE PROPOSED RULE AND THE REASON
- 14 THEREFOR;
- 15 4. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM
- 16 ANY INTERESTED PERSON; AND
- 17 5. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT
- 18 WRITTEN COMMENTS.
- 19 I. ALL HEARINGS WILL BE RECORDED. A COPY OF THE RECORDING
- 20 AND ALL WRITTEN COMMENTS AND DOCUMENTS RECEIVED BY THE
- 21 COMMISSION IN RESPONSE TO THE PROPOSED RULE SHALL BE
- 22 AVAILABLE TO THE PUBLIC.
- 23 J. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING A
- 24 SEPARATE HEARING ON EACH COMMISSION RULE. RULES MAY BE
- 25 GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT
- 26 HEARINGS REQUIRED BY THIS SECTION.
- 27 K. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL

1 COMMISSIONERS, TAKE FINAL ACTION ON THE PROPOSED RULE  
2 BASED ON THE RULEMAKING RECORD.

3 1. THE COMMISSION MAY ADOPT CHANGES TO THE PROPOSED  
4 RULE PROVIDED THE CHANGES DO NOT ENLARGE THE  
5 ORIGINAL PURPOSE OF THE PROPOSED RULE.

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

11 3. THE COMMISSION SHALL DETERMINE A REASONABLE  
12 EFFECTIVE DATE FOR THE RULE. EXCEPT FOR AN  
13 EMERGENCY AS PROVIDED IN SUBSECTION L OF THIS  
14 SECTION, THE EFFECTIVE DATE OF THE RULE SHALL BE NO  
15 SOONER THAN THIRTY (30) DAYS AFTER THE COMMISSION  
16 ISSUES THE NOTICE THAT IT ADOPTED OR AMENDED THE  
17 RULE.

18 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE  
19 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE  
20 WITH 24 HOURS' NOTICE, WITH OPPORTUNITY TO COMMENT,  
21 PROVIDED THAT THE USUAL RULEMAKING PROCEDURES PROVIDED  
22 IN THE COMPACT AND IN THIS SECTION SHALL BE RETROACTIVELY  
23 APPLIED TO THE RULE AS SOON AS REASONABLY POSSIBLE, IN NO  
24 EVENT LATER THAN NINETY (90) DAYS AFTER THE EFFECTIVE DATE  
25 OF THE RULE. FOR THE PURPOSES OF THIS PROVISION, AN  
26 EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY  
27 IN ORDER TO:



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

6           2.     VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR  
7                     AGAINST THE COMMISSION SHALL BE BROUGHT SOLELY AND  
8                     EXCLUSIVELY IN A COURT OF COMPETENT JURISDICTION  
9                     WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS  
10                    LOCATED. THE COMMISSION MAY WAIVE VENUE AND  
11                    JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR  
12                    CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE  
13                    RESOLUTION PROCEEDINGS. NOTHING HEREIN SHALL AFFECT  
14                    OR LIMIT THE SELECTION OR PROPRIETY OF VENUE IN ANY  
15                    ACTION AGAINST A LICENSEE FOR PROFESSIONAL  
16                    MALPRACTICE, MISCONDUCT, OR ANY SUCH SIMILAR  
17                    MATTER.

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

26    B.     DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION

27          1.     IF THE COMMISSION DETERMINES THAT A PARTICIPATING



1 STATE HAS DEFAULTED IN THE PERFORMANCE OF ITS  
2 OBLIGATIONS OR RESPONSIBILITIES UNDER THIS COMPACT  
3 OR THE PROMULGATED RULES, THE COMMISSION SHALL  
4 PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE. THE  
5 NOTICE OF DEFAULT SHALL DESCRIBE THE DEFAULT, THE  
6 PROPOSED MEANS OF CURING THE DEFAULT, AND ANY  
7 OTHER ACTION THAT THE COMMISSION MAY TAKE, AND  
8 SHALL OFFER TRAINING AND SPECIFIC TECHNICAL  
9 ASSISTANCE REGARDING THE DEFAULT.

10 2. THE COMMISSION SHALL PROVIDE A COPY OF THE NOTICE OF  
11 DEFAULT TO THE OTHER PARTICIPATING STATES.

12 C. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE  
13 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT  
14 UPON AN AFFIRMATIVE VOTE OF A MAJORITY OF THE  
15 COMMISSIONERS, AND ALL RIGHTS, PRIVILEGES, AND BENEFITS  
16 CONFERRED ON THAT STATE BY THIS COMPACT MAY BE  
17 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF  
18 THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF  
19 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF  
20 DEFAULT.

21 D. TERMINATION OF PARTICIPATION IN THE COMPACT SHALL BE  
22 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING  
23 COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE OF INTENT TO  
24 SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO  
25 THE GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE  
26 DEFAULTING STATE'S LEGISLATURE, THE DEFAULTING STATE'S  
27 STATE LICENSING AUTHORITY OR AUTHORITIES, AS APPLICABLE,

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

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

7 F. UPON THE TERMINATION OF A STATE'S PARTICIPATION IN THIS  
8 COMPACT, THAT STATE SHALL IMMEDIATELY PROVIDE NOTICE TO  
9 ALL LICENSEES OF THE STATE, INCLUDING LICENSEES OF OTHER  
10 PARTICIPATING STATES ISSUED A COMPACT PRIVILEGE TO  
11 PRACTICE WITHIN THAT STATE, OF SUCH TERMINATION. THE  
12 TERMINATED STATE SHALL CONTINUE TO RECOGNIZE ALL  
13 COMPACT PRIVILEGES THEN IN EFFECT IN THAT STATE FOR A  
14 MINIMUM OF ONE HUNDRED EIGHTY (180) DAYS AFTER THE DATE  
15 OF SAID NOTICE OF TERMINATION.

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

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

26 I. DISPUTE RESOLUTION

27 1. UPON REQUEST BY A PARTICIPATING STATE, THE

1 COMMISSION SHALL ATTEMPT TO RESOLVE DISPUTES  
2 RELATED TO THE COMPACT THAT ARISE AMONG  
3 PARTICIPATING STATES AND BETWEEN PARTICIPATING  
4 STATES AND NON-PARTICIPATING STATES.

5 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING  
6 FOR BOTH MEDIATION AND BINDING DISPUTE RESOLUTION  
7 FOR DISPUTES AS APPROPRIATE.

8 J. ENFORCEMENT

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

12 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL  
13 ACTION AGAINST A PARTICIPATING STATE IN DEFAULT IN  
14 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF  
15 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE  
16 COMMISSION HAS ITS PRINCIPAL OFFICES TO ENFORCE  
17 COMPLIANCE WITH THE PROVISIONS OF THE COMPACT AND  
18 ITS PROMULGATED RULES. THE RELIEF SOUGHT MAY  
19 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IN THE  
20 EVENT JUDICIAL ENFORCEMENT IS NECESSARY, THE  
21 PREVAILING PARTY SHALL BE AWARDED ALL COSTS OF SUCH  
22 LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES.  
23 THE REMEDIES HEREIN SHALL NOT BE THE EXCLUSIVE  
24 REMEDIES OF THE COMMISSION. THE COMMISSION MAY  
25 PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL  
26 OR THE DEFAULTING PARTICIPATING STATE'S LAW.

27 3. A PARTICIPATING STATE MAY INITIATE LEGAL ACTION

1 AGAINST THE COMMISSION IN THE U.S. DISTRICT COURT  
2 FOR THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT  
3 WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES TO  
4 ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE  
5 COMPACT AND ITS PROMULGATED RULES. THE RELIEF  
6 SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND  
7 DAMAGES. IN THE EVENT JUDICIAL ENFORCEMENT IS  
8 NECESSARY, THE PREVAILING PARTY SHALL BE AWARDED  
9 ALL COSTS OF SUCH LITIGATION, INCLUDING REASONABLE  
10 ATTORNEY'S FEES.

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

14 **SECTION 11.**

15 **EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

16 A. THE COMPACT SHALL COME INTO EFFECT ON THE DATE ON WHICH  
17 THE COMPACT STATUTE IS ENACTED INTO LAW IN THE SEVENTH  
18 PARTICIPATING STATE.

19 1. ON OR AFTER THE EFFECTIVE DATE OF THE COMPACT, THE  
20 COMMISSION SHALL CONVENE AND REVIEW THE  
21 ENACTMENT OF EACH OF THE STATES THAT ENACTED THE  
22 COMPACT PRIOR TO THE COMMISSION CONVENING  
23 ("CHARTER PARTICIPATING STATES") TO DETERMINE IF THE  
24 STATUTE ENACTED BY EACH SUCH CHARTER PARTICIPATING  
25 STATE IS MATERIALLY DIFFERENT THAN THE MODEL  
26 COMPACT.

27 a. A CHARTER PARTICIPATING STATE WHOSE

1 ENACTMENT IS FOUND TO BE MATERIALLY  
2 DIFFERENT FROM THE MODEL COMPACT SHALL BE  
3 ENTITLED TO THE DEFAULT PROCESS SET FORTH IN  
4 SECTION 10.

5 b. IF ANY PARTICIPATING STATE IS LATER FOUND TO BE  
6 IN DEFAULT, OR IS TERMINATED OR WITHDRAWS  
7 FROM THE COMPACT, THE COMMISSION SHALL  
8 REMAIN IN EXISTENCE AND THE COMPACT SHALL  
9 REMAIN IN EFFECT EVEN IF THE NUMBER OF  
10 PARTICIPATING STATES SHOULD BE LESS THAN  
11 SEVEN (7).

12 2. PARTICIPATING STATES ENACTING THE COMPACT  
13 SUBSEQUENT TO THE CHARTER PARTICIPATING STATES  
14 SHALL BE SUBJECT TO THE PROCESS SET FORTH IN SECTION  
15 7.C.23 TO DETERMINE IF THEIR ENACTMENTS ARE  
16 MATERIALLY DIFFERENT FROM THE MODEL COMPACT AND  
17 WHETHER THEY QUALIFY FOR PARTICIPATION IN THE  
18 COMPACT.

19 3. ALL ACTIONS TAKEN FOR THE BENEFIT OF THE COMMISSION  
20 OR IN FURTHERANCE OF THE PURPOSES OF THE  
21 ADMINISTRATION OF THE COMPACT PRIOR TO THE  
22 EFFECTIVE DATE OF THE COMPACT OR THE COMMISSION  
23 COMING INTO EXISTENCE SHALL BE CONSIDERED TO BE  
24 ACTIONS OF THE COMMISSION UNLESS SPECIFICALLY  
25 REPUDIATED BY THE COMMISSION.

26 4. ANY STATE THAT JOINS THE COMPACT SUBSEQUENT TO THE  
27 COMMISSION'S INITIAL ADOPTION OF THE RULES AND

1 BYLAWS SHALL BE SUBJECT TO THE COMMISSION'S RULES  
2 AND BYLAWS AS THEY EXIST ON THE DATE ON WHICH THE  
3 COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT  
4 HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION  
5 SHALL HAVE THE FULL FORCE AND EFFECT OF LAW ON THE  
6 DAY THE COMPACT BECOMES LAW IN THAT STATE.

7 B. ANY PARTICIPATING STATE MAY WITHDRAW FROM THIS COMPACT  
8 BY ENACTING A STATUTE REPEALING THAT STATE'S ENACTMENT OF  
9 THE COMPACT.

10 1. A PARTICIPATING STATE'S WITHDRAWAL SHALL NOT TAKE  
11 EFFECT UNTIL ONE HUNDRED EIGHTY (180) DAYS AFTER  
12 ENACTMENT OF THE REPEALING STATUTE.

13 2. WITHDRAWAL SHALL NOT AFFECT THE CONTINUING  
14 REQUIREMENT OF THE WITHDRAWING STATE'S LICENSING  
15 AUTHORITY OR AUTHORITIES TO COMPLY WITH THE  
16 INVESTIGATIVE AND ADVERSE ACTION REPORTING  
17 REQUIREMENTS OF THIS COMPACT PRIOR TO THE EFFECTIVE  
18 DATE OF WITHDRAWAL.

19 3. UPON THE ENACTMENT OF A STATUTE WITHDRAWING FROM  
20 THIS COMPACT, THE STATE SHALL IMMEDIATELY PROVIDE  
21 NOTICE OF SUCH WITHDRAWAL TO ALL LICENSEES WITHIN  
22 THAT STATE. NOTWITHSTANDING ANY SUBSEQUENT  
23 STATUTORY ENACTMENT TO THE CONTRARY, SUCH  
24 WITHDRAWING STATE SHALL CONTINUE TO RECOGNIZE ALL  
25 COMPACT PRIVILEGES TO PRACTICE WITHIN THAT STATE  
26 GRANTED PURSUANT TO THIS COMPACT FOR A MINIMUM OF  
27 ONE HUNDRED EIGHTY (180) DAYS AFTER THE DATE OF

1                   SUCH NOTICE OF WITHDRAWAL.

2       C.       NOTHING CONTAINED IN THIS COMPACT SHALL BE CONSTRUED TO  
3               INVALIDATE OR PREVENT ANY LICENSURE AGREEMENT OR OTHER  
4               COOPERATIVE ARRANGEMENT BETWEEN A PARTICIPATING STATE  
5               AND A NON-PARTICIPATING STATE THAT DOES NOT CONFLICT WITH  
6               THE PROVISIONS OF THIS COMPACT.

7       D.       THIS COMPACT MAY BE AMENDED BY THE PARTICIPATING STATES.  
8               NO AMENDMENT TO THIS COMPACT SHALL BECOME EFFECTIVE AND  
9               BINDING UPON ANY PARTICIPATING STATE UNTIL IT IS ENACTED  
10              INTO THE LAWS OF ALL PARTICIPATING STATES.

11              **SECTION 12. CONSTRUCTION AND SEVERABILITY**

12       A.       THIS COMPACT AND THE COMMISSION'S RULEMAKING AUTHORITY  
13               SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE  
14               PURPOSES AND THE IMPLEMENTATION AND ADMINISTRATION OF  
15               THE COMPACT. PROVISIONS OF THE COMPACT EXPRESSLY  
16               AUTHORIZING OR REQUIRING THE PROMULGATION OF RULES SHALL  
17               NOT BE CONSTRUED TO LIMIT THE COMMISSION'S RULEMAKING  
18               AUTHORITY SOLELY FOR THOSE PURPOSES.

19       B.       THE PROVISIONS OF THIS COMPACT SHALL BE SEVERABLE AND IF  
20               ANY PHRASE, CLAUSE, SENTENCE, OR PROVISION OF THIS COMPACT  
21               IS HELD BY A COURT OF COMPETENT JURISDICTION TO BE  
22               CONTRARY TO THE CONSTITUTION OF ANY PARTICIPATING STATE,  
23               A STATE SEEKING PARTICIPATION IN THE COMPACT, OR OF THE  
24               UNITED STATES, OR THE APPLICABILITY THEREOF TO ANY  
25               GOVERNMENT, AGENCY, PERSON, OR CIRCUMSTANCE IS HELD TO BE  
26               UNCONSTITUTIONAL BY A COURT OF COMPETENT JURISDICTION, THE  
27               VALIDITY OF THE REMAINDER OF THIS COMPACT AND THE

1 APPLICABILITY THEREOF TO ANY OTHER GOVERNMENT, AGENCY,  
2 PERSON, OR CIRCUMSTANCE SHALL NOT BE AFFECTED THEREBY.

3 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION, THE  
4 COMMISSION MAY DENY A STATE'S PARTICIPATION IN THE  
5 COMPACT OR, IN ACCORDANCE WITH THE REQUIREMENTS OF  
6 SECTION 10.B, TERMINATE A PARTICIPATING STATE'S  
7 PARTICIPATION IN THE COMPACT, IF IT DETERMINES THAT A  
8 CONSTITUTIONAL REQUIREMENT OF A PARTICIPATING STATE IS A  
9 MATERIAL DEPARTURE FROM THE COMPACT. OTHERWISE, IF THIS  
10 COMPACT SHALL BE HELD TO BE CONTRARY TO THE CONSTITUTION  
11 OF ANY PARTICIPATING STATE, THE COMPACT SHALL REMAIN IN  
12 FULL FORCE AND EFFECT AS TO THE REMAINING PARTICIPATING  
13 STATES AND IN FULL FORCE AND EFFECT AS TO THE PARTICIPATING  
14 STATE AFFECTED AS TO ALL SEVERABLE MATTERS.

15 **SECTION 13.**  
16 **CONSISTENT EFFECT AND CONFLICT**  
17 **WITH OTHER STATE LAWS**

18 A. NOTHING HEREIN SHALL PREVENT OR INHIBIT THE ENFORCEMENT  
19 OF ANY OTHER LAW OF A PARTICIPATING STATE THAT IS NOT  
20 INCONSISTENT WITH THE COMPACT.

21 B. ANY LAWS, STATUTES, REGULATIONS, OR OTHER LEGAL  
22 REQUIREMENTS IN A PARTICIPATING STATE IN CONFLICT WITH THE  
23 COMPACT ARE SUPERSEDED TO THE EXTENT OF THE CONFLICT.

24 C. ALL PERMISSIBLE AGREEMENTS BETWEEN THE COMMISSION AND  
25 THE PARTICIPATING STATES ARE BINDING IN ACCORDANCE WITH  
26 THEIR TERMS.

27 **24-60-4502. Construction of terms.** (1) AS USED IN THIS PART



1 45, UNLESS THE CONTEXT OTHERWISE REQUIRES:

2 (a) "LICENSEE" MEANS, WITH RESPECT TO A COLORADO LICENSEE,  
3 AS APPLICABLE:

4 (I) A DENTIST HOLDING AN UNRESTRICTED LICENSE ISSUED BY THE  
5 COLORADO DENTAL BOARD CREATED IN SECTION 12-220-105, OR A  
6 SUCCESSOR BOARD AUTHORIZED TO LICENSE DENTISTS IN COLORADO; OR

7 (II) A DENTAL HYGIENIST HOLDING AN UNRESTRICTED LICENSE  
8 ISSUED BY THE COLORADO DENTAL BOARD CREATED IN SECTION  
9 12-220-105, OR A SUCCESSOR BOARD AUTHORIZED TO LICENSE DENTAL  
10 HYGIENISTS IN COLORADO.

11 (b) "STATE LICENSING AUTHORITY" MEANS, WITH RESPECT TO  
12 COLORADO, THE COLORADO DENTAL BOARD CREATED IN SECTION  
13 12-220-105, OR A SUCCESSOR BOARD AUTHORIZED TO LICENSE DENTISTS  
14 OR DENTAL HYGIENISTS, AS APPLICABLE, IN COLORADO.

15 **24-60-4503. Notice to revisor of statutes - effective date of**  
16 **compact.** THIS PART 45 WILL TAKE EFFECT ON THE DATE THE COMPACT IS  
17 ENACTED INTO LAW IN THE SEVENTH COMPACT STATE. THE DIRECTOR OF  
18 THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF  
19 REGULATORY AGENCIES SHALL NOTIFY THE REVISOR OF STATUTES IN  
20 WRITING WHEN THE CONDITION SPECIFIED IN THIS SECTION HAS OCCURRED  
21 BY E-MAILING THE NOTICE TO THE REVISOR OF STATUTES.GA@COLEG.GOV.  
22 THIS PART 45 TAKES EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE  
23 THAT THE COMPACT IS ENACTED INTO LAW IN THE SEVENTH COMPACT  
24 STATE OR IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE  
25 OF THE NOTICE TO THE REVISOR OF STATUTES.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 12-220-109 as  
27 follows:

1           **12-220-109. Interstate compact for dentists and dental**  
2 **hygienists - powers and duties - rules - definitions.** (1) AS USED IN THIS

3 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

4           (a) "ADVERSE ACTION" HAS THE MEANING SET FORTH IN SECTION  
5 2 OF SECTION 24-60-4501.

6           (b) "COMMISSION" MEANS THE DENTIST AND DENTAL HYGIENIST  
7 COMPACT COMMISSION ESTABLISHED IN SECTION 7 OF SECTION  
8 24-60-4501.

9           (c) "COMPACT" MEANS THE DENTAL AND DENTAL HYGIENIST  
10 COMPACT AUTHORIZED IN PART 45 OF ARTICLE 60 OF TITLE 24.

11           (d) "COMPACT PRIVILEGE" HAS THE MEANING SET FORTH IN  
12 SECTION 2 OF SECTION 24-60-4501.

13           (e) "DATA SYSTEM" HAS THE MEANING SET FORTH IN SECTION 2 OF  
14 SECTION 24-60-4501.

15           (f) "PARTICIPATING STATE" MEANS A STATE THAT HAS ENACTED  
16 THE COMPACT.

17           (g) "SIGNIFICANT INVESTIGATIVE INFORMATION" HAS THE  
18 MEANING SET FORTH IN SECTION 2 OF SECTION 24-60-4501.

19           (2) IN ADDITION TO ANY POWERS AND DUTIES SPECIFIED IN THE  
20 COMPACT FOR PARTICIPATING STATES, THE BOARD HAS THE FOLLOWING  
21 POWERS AND DUTIES WITH REGARD TO THE COMPACT:

22           (a) TO FACILITATE COLORADO'S PARTICIPATION IN THE COMPACT;

23           (b) TO COMPLY WITH THE RULES OF THE COMMISSION;

24           (c) TO PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF  
25 TITLE 24 AS NECESSARY FOR THE IMPLEMENTATION, ADMINISTRATION,  
26 AND ENFORCEMENT OF THE COMPACT;

27           (d) TO APPOINT A PERSON TO SERVE AS A DELEGATE ON AND

1 ATTEND MEETINGS OF THE COMMISSION IN ACCORDANCE WITH THE TERMS  
2 OF THE COMPACT;

3 (e) TO NOTIFY THE COMMISSION, IN COMPLIANCE WITH THE TERMS  
4 OF THE COMPACT AND COMMISSION RULES, OF ANY ADVERSE ACTION OR  
5 THE AVAILABILITY OF SIGNIFICANT INVESTIGATIVE INFORMATION  
6 REGARDING A DENTIST OR DENTAL HYGIENIST;

7  
8 (f) TO GRANT THE PRIVILEGE TO PRACTICE TO A LICENSEE OF A  
9 PARTICIPATING STATE OF THE COMPACT IN ACCORDANCE WITH THE TERMS  
10 OF THE COMPACT AND TO CHARGE A FEE TO INDIVIDUALS APPLYING FOR A  
11 COMPACT PRIVILEGE TO PRACTICE;

12 (g) TO PARTICIPATE FULLY IN THE DATA SYSTEM CONSISTENT WITH  
13 THE COMPACT REQUIREMENTS AND THE RULES OF THE COMMISSION; AND

14 (h) TO APPROVE PAYMENT OF ASSESSMENTS LEVIED BY THE  
15 COMMISSION TO COVER THE COST OF OPERATIONS AND ACTIVITIES OF THE  
16 COMMISSION AND ITS STAFF.

17 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal  
18 year, \$78,750 is appropriated to the department of regulatory agencies for  
19 use by the division of professions and occupations. This appropriation is  
20 from the division of professions and occupations cash fund created in  
21 section 12-20-105 (3), C.R.S. To implement this act, the department may  
22 use this appropriation as follows:

23 (a) \$34,440 for personal services, which amount is based on an  
24 assumption that the division will require an additional 0.5 FTE;

25 (b) \$9,310 for operating expenses; and

26 (c) \$35,000 for the purchase of information technology services.

27 (2) For the 2024-25 state fiscal year, \$35,000 is appropriated to

1 the office of the governor for use by the office of information technology.  
2 This appropriation is from reappropriated funds received from the  
3 department of regulatory agencies under subsection (1)(c) of this section.  
4 To implement this act, the office may use this appropriation to provide  
5 information technology services for the department of regulatory  
6 agencies.

7         **SECTION 4. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly; except  
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
11 of the state constitution against this act or an item, section, or part of this  
12 act within such period, then the act, item, section, or part will not take  
13 effect unless approved by the people at the general election to be held in  
14 November 2024 and, in such case, will take effect on the date of the  
15 official declaration of the vote thereon by the governor.