

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Edward R. Philips

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act Relative to the dental licensure compact in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act Relative to the dental licensure compact in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 112A the
2 following new chapter:-

3 Chapter 112B. Interstate Dental and Dental Hygiene Licensure Compact

4 Section 1. Purpose

5 This Compact shall be known as the Interstate Dental and Dental Hygiene Licensure
6 Compact and the purpose of the Compact is to expedite licensure and increase access to dental
7 health care through licensure boards acting in cooperation. The Compact adopts the existing
8 structures most utilized by Dental Boards across the United States, while ensuring the safety of
9 the public through the sharing of documents and information. This Compact ensures that each
10 state retains the right to impose an adverse action on a licensee as a home state or as a practicing
11 state. Each state has an opportunity to share investigations and information with the home state
12 of licensure. The Compact is operated by state dental board members, administrators and other
13 staff, thus allowing for each state to maintain its sovereignty.

14 The Compact:

15 (i) Allows for expedited licensure portability and ease of movement of licensees between
16 states;

17 (ii) Allows each state to continue to regulate the practice of dentistry and dental hygiene
18 within its borders;

19 (iii) Creates a common goal of protecting the public by ensuring a uniform licensure
20 standard and sharing of information in the Compact;

21 (iv) Allows for licensure in every participating state by requiring passage of the uniform
22 licensure examination that assesses psychomotor and cognitive dental skills and is currently
23 accepted in fifty state (50) licensing jurisdictions and United States territories;

24 (v) Gives licensees one (1) location to maintain professional documentation to expedite
25 license transfers in states, hospitals or institutional credentialing;

26 (vi) Facilitates a faster licensure process for relocation or separation of military members
27 and their dependent spouses; there are no Compact fees for military members or their spouses;

28 (vii) Alleviates a duplicative process for licensure among multiple states; and,

29 (viii) Saves applicants money by not having to obtain duplicate documents from a source
30 that charges for the documents.

31 Section 2. Definitions

32 As used in this chapter, the following words shall have the following meanings unless the
33 context clearly requires otherwise:

34 “AADB”, the American Association of Dental Boards (AADB) or its named successor,
35 formerly known as the American Association of Dental Examiners (AADE), originally chartered
36 on September 10th, 1896 and renewed in 1944, comprised of State Dental Boards in the United
37 States and its territories.

38 “Attorneys’ Committee”, the committee of attorneys who currently represent a Member
39 State Dental Board. The Attorneys’ Committee shall designate one of its members to participate
40 in the Commission as a non-voting member. An attorney that has previously served as an
41 attorney for a Member State Dental Board may be invited on a year-to-year basis to serve on the
42 Attorneys’ Committee if they have not engaged in an official case against a State Dental Board
43 or have any other conflict of interest. The Attorneys’ Committee may assist the investigators in
44 working through joint investigation issues between states.

45 “Active-duty military person or spouse”, a Licensee in full-time active-duty status in the
46 active uniformed services of the United States, including members of the National Guard and
47 Reserves. The legal spouse of the military member must be recognized by the military unit as a
48 dependent while the service member is on active duty. Spouses shall receive the same privileges
49 as military members for the purpose of this Compact.

50 “Active Investigation”, an active investigation potentially resulting in formal allegations
51 or charges precipitating a judicial process by a State Dental Board, oversight agency, or other
52 law enforcement entity.

53 “Adverse Action”, an order issued by a State Dental Board or reported to the
54 clearinghouse pursuant to the Commission’s Bylaws and rules that disciplines a Licensee.
55 Adverse Action includes, and is not limited to, the suspension, limiting, or revocation of a

56 License or Compact License Privilege; the imposition of fees and sanctions; and any temporary
57 emergency order that may be later withdrawn by a Board.

58 “ADEX examination”, the initial licensure examinations developed by the American
59 Board of Dental Examiners, Inc. or its successor.

60 “Bylaws”, the bylaws passed by the Commission or its named successor commission.

61 “Clearinghouse”, the clearinghouse and databank that houses prior Adverse Action
62 documentations, orders and denials of licensure or permits from State Dental Boards that is
63 administered by the AADB or its successor.

64 “CODA”, the Commission on Dental Accreditation or its successor as approved by the
65 United States Department of Education.

66 “Commission”, the Interstate Dental and Dental Hygiene Compact Licensure
67 Commission created pursuant to Section 3 of this Act.

68 “Commissioners”, the two (2) members chosen by each Member State Dental Board to
69 serve as the voting members of the Commission.

70 “Compact”, the Interstate Dental and Dental Hygiene Licensure Compact created
71 pursuant to this Chapter.

72 “Compact License Privilege”, the expedited dental or dental hygiene license to practice in
73 a Member State that is not the Licensee’s Home State.

74 “Conviction”, an adjudication or formal judgment by a court that an individual is guilty
75 through a plea of guilty or no contest, or a finding of guilt by the court. Evidence of a conviction

76 of a criminal offense by the court shall be considered final for the purposes of considering or
77 imposing disciplinary action by a Member State Dental Board.

78 “Criminal background check”, a criminal background check using the results of
79 fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau
80 of Investigation, with the exception of federal employees who have suitability determination in
81 accordance with 5 C.F.R. 731.202.

82 “Dental hygienist”, any person who: (i) has successfully graduated from a CODA-
83 approved dental hygiene school; (ii) has successfully passed the ADEX dental hygiene licensure
84 examination; or has been in practice 5 years or more and has successfully passed a Regional
85 Board Examination or equivalent state-administered psychomotor licensure examination prior to
86 January 1, 2024; (iii) has successfully passed the written national dental hygiene board
87 examination administered by the Joint Commission on National Dental Examinations; (iv)
88 possesses a full and unrestricted dental hygiene license issued by a Member State; (v) has never
89 been convicted or received adjudication, deferred adjudication, community supervision or
90 deferred disposition for any offense (other than traffic offenses) by a court of appropriate
91 jurisdiction; (vi) has never been a subject of discipline by a Licensing Agency through any
92 Adverse Action, order, or other restriction of the Licensee by a Licensing Agency, with the
93 exception of failure to pay fees or failure to complete continuing education; (vii) is not currently
94 under Active Investigation by a Licensing Agency or law enforcement authority in any state,
95 federal or foreign jurisdiction; and (viii) meets any jurisprudence requirement established by a
96 Member State Dental Board of a Member State in which a Licensee is seeking a Compact
97 License Privilege.

98 “Dental Practice Act”, the laws and regulations governing the practice of dentistry within
99 a Member State.

100 “Dentist”, any person who: (i) has successfully graduated from a CODA-approved dental
101 school; (ii) has successfully passed the ADEX dental licensure exam; or has been in practice 5
102 years or more and has successfully passed a Regional Board Examination or equivalent state-
103 administered psychomotor licensure examination prior to January 1, 2024; (iii) has successfully
104 passed the written National Dental Board Exam administered by the Joint Commission on
105 National Dental Examinations; (iv) possesses a full and unrestricted dental license issued by a
106 Member State Dental Board; (v) has never been convicted or received adjudication, deferred
107 adjudication, community supervision, or deferred disposition for any offense (other than traffic
108 offenses) by a court of appropriate jurisdiction; (vi) has never been a subject of discipline by a
109 Licensing Agency through any Adverse Action, order, or other restriction of the Licensee by a
110 Licensing Agency, with the exception of failure to pay fees or failure to complete continuing
111 education; (vii) has never had a state or federal drug registration, permit, or license restricted,
112 suspended, or revoked by the United States Drug Enforcement Administration or any Licensing
113 Agency that oversees scheduled drug registrations; (viii) is not currently under Active
114 Investigation by a Licensing Agency or law enforcement authority in any state, federal or foreign
115 jurisdiction; and (ix) meets any jurisprudence requirement established by a Member State Dental
116 Board in which a Licensee is seeking a Compact License Privilege.

117 “Home State”, the state of primary licensure of a Licensee.

118 “License”, the authorization by a Licensing Authority for a dentist or dental hygienist to
119 engage in the unrestricted practice of dentistry or dental hygiene, which would be unlawful
120 without such license.

121 “Licensee”, a Dentist or Dental Hygienist who holds an unrestricted License to practice
122 as a dentists or dental hygienist.

123 “Licensing Agency”, the agency or other entity of a State that is responsible for the
124 licensing of Dentists and Dental Hygienists. If a Member State Dental Board has such
125 responsibility, it shall be deemed a Licensing Agency.

126 “Member State Dental Board”, a state agency in a Member State that protects the public
127 through licensure, regulation, and the education of dentist and dental hygienists, as directed by
128 the state law. All actions taken by a Member State Dental Board shall be under the authority of
129 the laws its State and any other rights conferred under this Compact.

130 “Member State”, a state, the District of Colombia or any other United States territory that
131 has enacted the Compact.

132 “Regional Board Examination”, initial licensure examinations administered by the
133 Western Regional Examining Board (WREB), the North East Regional Board of Dental
134 Examiners (NERB), the Commission on Dental Competency Assessments (CDCA), Council of
135 Interstate Testing Agencies (CITA), Southern Regional Testing Agency (SRTA), or Central
136 Regional Dental Testing Services (CRDTS) that assess psychomotor skills.

137 “Repository”, the repository of original documents of a Licensee that may include
138 original transcripts, certification documents, test scores, military training records, previous or

139 current licensing documents and other sources of materials needed for applications and
140 verification administered by the AADB or its successor. The Repository shall receive documents
141 from primary or originating sources and/or verify their authenticity.

142 “Scope of practice”, the dental-related procedures that require a License, permit, or
143 training, to undertake the treatment and procedure to be completed on a patient within the
144 Member State’s requirements.

145 “State”, a state within the United States or a United States Territory.

146 “State jurisprudence”, the knowledge of a Member State’s laws and rules of dentistry and
147 dental hygiene.

148 Section 3. Compact and Commission

149 (a) The Member States hereby create the Interstate Dental and Dental Hygiene Licensure
150 Compact and the Commission. Each Member State must enact a compact that is not materially
151 different from this Compact, as determined by the Commission.

152 (b) Each Member State Dental Board shall have two (2) voting members who shall serve
153 as Commissioners. Each Commissioner shall have one (1) vote. Member States with separate
154 dental and dental hygiene Licensing Agencies shall appoint one (1) Commissioner from each
155 licensing agency. One Commissioner shall be a current member of a Member State Dental
156 Board. Commissioners may not delegate votes or vote by proxy, however, if a Commissioner is
157 unable to attend, the Member State may substitute a Commissioner who meets the same
158 requirements.

159 (c) Upon five (5) states joining the Compact, the Compact shall become active. The
160 Commission shall adopt Bylaws upon becoming active.

161 (d) The Commission shall meet at least once per calendar year (the “Annual Meeting”)
162 and at additional times as necessary pursuant to the Bylaws and rules.

163 (e) At each Annual Meeting, the Commission shall elect a Chair, Vice Chair, Secretary,
164 and Treasurer from the membership of the Commission (the “Officers.”) The Officers shall be
165 members of the Commission’s Executive Committee (the “Executive Committee.”) The
166 Commission shall also elect representatives from four (4) regional districts established by the
167 Commission to serve on the Executive Committee. All Officers and Executive Committee
168 representatives shall serve one (1)-year terms.

169 (f) Quorum for purposes of conducting business shall be a majority of Commissioners
170 attending in person or virtually.

171 (g) The Commission shall provide notice of all meetings on its website and in other
172 communications to Member State Dental Boards.

173 (h) A vote of two-thirds (2/3) of the Commissioners present shall be required for an
174 executive session to discuss:

175 (1) Items specifically related to participation in a lawsuit or in anticipation of a legal
176 proceeding;

177 (2) Matters specifically exempted from disclosure by federal statute;

178 (3) Information or matters involving law enforcement agencies or information that
179 accuses a person of a crime or a public censure;

180 (4) Discussions that would include information of a personal nature that would constitute
181 an unwarranted invasion of personal privacy;

182 (5) Anything considered internal practices and procedures or a trade secret;

183 (6) Other items described in the Commission Bylaws allowing for executive sessions to
184 be called; or,

185 (7) Advice of Legal Counsel.

186 (i) The Commission shall keep minutes and make them available to all Member States.

187 (j) The Commission may establish other committees as needed.

188 (k) The Commission shall prepare an annual report that shall be made available to the
189 legislatures and governors of the Member States. The annual report shall describe the activities
190 of the Commission during the preceding calendar year. Such reports shall also include reports of
191 the annual financial audit and any actions taken by or rules that were adopted by the
192 Commission.

193 Section 4. Duties of Compact Member States

194 (a) Member States shall submit to the Clearinghouse all Member State Dental Board
195 actions and other documents and data as determined by the Commission.

196 (b) Member States shall notify the Commission of any Adverse Action taken by the
197 Member State Dental Board, any Active Investigation by the Member State Dental Board, any
198 Active Investigation involving pending criminal charges, or other circumstance as determined by
199 the Commission.

200 (c) Any Adverse Action, order, restriction or denial of a license or permit on a Licensee
201 or Compact License Privilege holder shall be reported to the Clearinghouse by the Member State
202 Dental Board.

203 (d) Member State Dental Boards may submit to the Clearinghouse nonpublic complaints,
204 or disciplinary or investigatory information not required by Section 4(c). All investigatory
205 material shall be considered confidential and not part of a public record unless otherwise
206 specifically required by state statute.

207 (e) Members States shall accept continuing education credits as required or recognized by
208 any other Member State.

209 (f) Documents in the Repository shall be treated by a Member State as the equivalent of a
210 primary or original source document for licensure.

211 (g) Member States shall accept a standardized application for a Compact License
212 Privilege. The standardized application shall be established by the rules enacted by the
213 Commission.

214 (h) Member States may agree to share information regarding ongoing investigations and
215 actions, including joint investigations between states. All investigatory material shall be
216 considered confidential and not part of a public record unless otherwise specifically required by
217 state statute.

218 (i) As part of the Compact enforcement, participating Member States may issue
219 subpoenas and seek testimony of witnesses, which subpoenas shall be enforced in other Member

220 States and enforced by a court of competent jurisdiction where the witnesses or evidence is
221 located.

222 Section 5. Powers and Duties of the Commission

223 (a) The Commission shall have the duty and power to:

224 (1) Oversee and maintain the administration of the Compact, including the organizational
225 needs, the financial activities, the hiring of personnel and ongoing activities or needs of the
226 Commission;

227 (2) Promulgate Bylaws and rules to operate the Compact and the Commission;

228 (3) Establish a budget and make expenditures;

229 (4) Have an annual financial audit performed by an independent certified public
230 accounting firm;

231 (5) Issue, upon the request of a Member State Dental Board, advisory opinions
232 concerning the meaning or interpretation of the Compact and its Bylaws, rules, and actions;

233 (6) Enforce compliance with Compact provisions, the rules promulgated by the
234 Commission, and the Bylaws, using all necessary and proper means, including but not limited to
235 the use of judicial process;

236 (7) Hold an Annual Meeting for the Commission where the elections of the Executive
237 Committee and other issues may be discussed and voted on;

238 (8) Establish personnel policies and programs relating to conflicts of interest, and the
239 rates of compensation and qualifications of personnel;

240 (9) Accept donations and grants of money, equipment, supplies, materials and services,
241 and to receive, utilize and dispose of them in a manner consistent with the conflict-of-interest
242 policies established by the Commission;

243 (10) Report annually to the legislatures and governors of the Member State Dental
244 Boards concerning the activities of the Commission during the preceding calendar year. Such
245 reports shall also include reports of annual financial audits, all actions of the Commission, rules
246 adopted by the Commission, and any recommendations by the Commission; and,

247 (11) Coordinate education, training and public awareness regarding the Compact, its
248 implementation, and its operation.

249 (b) The Executive Committee shall have the power to act on behalf of the Commission,
250 with the exception of rulemaking, during periods when the Commission is not in session. When
251 acting on behalf of the Commission, the Executive Committee shall oversee the administration of
252 the Compact, including enforcement of and compliance with the Compact.

253 (c) The officers and employees of the Commission shall be immune from suit and
254 liability, either personally or in their official capacity, for a claim for damage to or loss of
255 property or personal injury or other civil liability caused or arising out of, or relating to, an actual
256 or alleged act, error or omission that occurred, or that such person had a reasonable basis for
257 believing occurred, within the scope of Commission employment, duties or responsibilities;
258 provided, that such person shall not be protected from suit or liability for damage, loss, injury or
259 liability caused by the intentional or willful and wanton misconduct of such person.

260 (d) The liability of the executive director and employees of the Commission or
261 representatives of the Commission, acting within the scope of such person's employment or

262 duties for acts, errors or omissions occurring within such person's state may not exceed the limits
263 of liability set forth under the constitution and laws of that state for state officials, employees and
264 agents. The Commission shall be considered to be an instrumentality of the states for the
265 purposes of any such action. Nothing in this subsection shall be construed to protect such person
266 from suit or liability for damage, loss, injury or liability caused by the intentional or willful and
267 wanton misconduct of such person.

268 (e) The Commission shall defend the Commission's executive director, its employees,
269 and, subject to the approval of the attorney general or other appropriate legal counsel of the
270 Member State represented by an Commission representative, shall defend such Commission
271 representative in any civil action seeking to impose liability arising out of an actual or alleged
272 act, error or omission that occurred within the scope of Commission employment, duties or
273 responsibilities, or that the defendant had a reasonable basis for believing occurred within the
274 scope of Commission employment, duties or responsibilities, provided that the actual or alleged
275 act, error or omission did not result from intentional or willful and wanton misconduct on the
276 part of such person.

277 (f) To the extent not covered by the state involved, Member State, or the Commission, the
278 representatives or employees of the Commission shall be held harmless by the Commission in
279 the amount of a settlement or judgment, including attorney fees and costs, obtained against such
280 persons arising out of an actual or alleged act, error or omission that occurred within the scope of
281 Commission employment, duties or responsibilities, or that such persons had a reasonable basis
282 for believing occurred within the scope of Commission employment, duties or responsibilities,
283 provided that the actual or alleged act, error or omission did not result from intentional or willful
284 and wanton misconduct on the part of such persons.

285 Section 6. Application, Eligibility, and Issuance of Compact License Privilege to a
286 Member State

287 (a) A dentist or dental hygienist applying for Compact License Privileges shall meet the
288 requirements of a Dentist as listed in Section (2)(r) of this Compact or a Dental Hygienist as
289 listed in Section (2)(p) of this Compact and hold a current License in a Member State under this
290 Compact.

291 (b) Each Dentist or Dental Hygienist shall designate a Home State of licensure. The
292 Home State shall be determined by:

293 (1) The State of primary residence for the Dentist or Dental Hygienist, where twenty-five
294 percent (25%) of their practice within one year occurs. An active-duty military member or their
295 spouse may choose a Home State as designated with the military but are not required to meet the
296 requirement of twenty-five percent (25%) practice being within their Home State; or,

297 (2) If no State qualifies under Section 6(b)(1), then the State that the Dentist or Dental
298 Hygienist listed as their state of residence on the previous year's federal tax return.

299 (c) A Dentist or Dental Hygienist may redesignate a Home State no more than one time
300 in a calendar year if the qualifications of a Home State are met.

301 (d) A Dentist or Dental hygienist seeking a Compact License Privilege (the "Applicant")
302 shall apply to their Home State Dental Board for a letter stating that the Applicant is eligible for
303 Compact License Privileges.

304 (e) The Home State Dental Board shall determine the eligibility of an application for a
305 Compact License Privilege and shall issue a letter of approval or denial of the application for a
306 Compact License Privilege.

307 (f) The letter from the Applicant's Home State Dental Board approving the application
308 shall be submitted to the Member State Dental Board for the Member State in which the
309 Applicant proposes to practice, and shall include: (i) the Compact application packet; (ii)
310 authorization to seek access to the Applicant's Repository documents; (iii) any additional
311 information that may be required by the proposed Compact License Privilege state; and (iv) any
312 required fees. The Member State Dental Board shall review the application to confirm
313 compliance with the Member State's laws and regulations. Following such review, if the
314 Member State Dental Board approves the application, it shall issue a Compact License Privilege
315 from the proposed Member State to the Applicant.

316 (g) Appeals of a denial of a Compact License Privilege application shall be filed with the
317 Member State Dental Board making such determination, and shall be filed within thirty (30)
318 dates of the date of the denial.

319 (h) A Licensee holding a Compact License Privilege shall notify the Commission within
320 ten (10) business days of any Adverse Action taken against a License held in a state that is not a
321 Member State.

322 (i) A Compact License Privilege may be revoked, suspended or limited by the issuing
323 Member State Dental Board if at any time the Licensee's Home State license is revoked,
324 suspended or limited.

325 (j) The Commission shall issue rules on the duration of a Compact License Privilege, the
326 application and renewal process for a Compact License Privilege, and any application fees.

327 (k) Eligibility or ineligibility to receive a Compact License Privilege shall not limit the
328 ability of a Licensee to seek a state license through the regular process outside of the Compact.

329 Section 7. Jurisdiction Over Compact License Privilege Holders

330 (a) Each Licensee holding a Compact License Privilege shall be subject to and comply
331 with the laws and regulations of the Member State in which such Licensee practices under a
332 Compact License Privilege.

333 (b) Each Licensee holding a Compact License Privilege shall be subject to the
334 jurisdiction and authority of the Member State Dental Board of the state in which such Licensee
335 practices, as if they held a license issued from such Member State Dental Board. Such Compact
336 License Privilege holder shall be deemed a “Licensee” of the Member State Dental Board for
337 purposes of such board taking an Adverse Action.

338 (c) Each Licensee holding a Compact License Privilege shall list a current address with
339 the Commission that shall serve as their official address of service.

340 (d) A Licensee holding a Compact License Privilege may have an Adverse Action taken
341 against them by:

342 (1) The Member State Dental Board of the Member State in which they are practicing
343 with a Compact License Privilege;

344 (2) The Licensee’s Home State; or,

345 (3) The State Licensing Authority of a State that is not a Member State from which the
346 Licensee holds a License.

347 (e) A Home State may take an Adverse Action against the holder of a Compact License
348 Privilege, regardless of where the actions giving rise to the Adverse Action occurred.

349 (f) Any Member State in which the Compact Licensee holds a Compact License Privilege
350 may investigate an allegation of a violation of the laws and rules of the practice of dentistry or
351 dental hygiene in any other State where the Compact Licensee holds a Compact License
352 Privilege.

353 Section 8. Fees and Military Waiver

354 (a) The Commission shall issue rules regarding the use of the Repository by each holder
355 of a Compact License Privilege.

356 (b) A Member State Dental Board issuing a Compact License Privilege authorizing
357 practice in its State may impose a fee for a Compact License Privilege, for either initial issuance
358 or any renewal.

359 (c) No Compact fee shall be required of any active-duty military member and/or their
360 spouse up to one (1) year after separation from the service. Each Member State issuing a
361 Compact License Privilege may waive fees for active-duty military and/or their spouse as
362 required by each individual state statute.

363 (d) Active-duty military may transfer military training records to the Repository without a
364 fee.

365 Section 9. Joint Investigations and Disciplinary Actions

366 (a) Each Member State shall name a point of contact for joint investigations between
367 Member State Dental Boards.

368 (b) Member State Dental Boards may participate with other Member State Dental Boards
369 in joint investigations of Licensees that are subject to this Compact.

370 (c) Member State Dental Boards may share investigative, litigation or other materials in
371 furtherance of any joint or individual investigation of a Compact License Privilege holder.

372 (d) A subpoena issued by a Member State or Member State Dental Board shall be
373 enforceable in other Member States as allowed by law.

374 (e) If a Compact License Privilege holder has an Adverse Action taken against them by
375 any Member State Dental Board, the Compact License Privilege holder, Licensee shall
376 automatically be subject to similar discipline by other Member State Dental Boards.

377 (f) If a Compact License Privilege holder has an Adverse Action taken against their
378 Home State license, including being revoked, surrendered, or relinquished in lieu of discipline or
379 suspended, then automatically all other Compact License Privileges shall be placed in the same
380 status. The Home State Dental Board shall notify the Commission and the Commission shall
381 issue a notice to all Member State Dental Boards of such Adverse Action.

382 (g) If discipline or an Adverse Action is taken against a Compact License Privilege
383 holder in a Member State, the Member State Board shall notify the Commission and the Home
384 State of the Compact License Privilege holder. The Home State may deem the action conclusive
385 as a matter of law and fact and may: (i) impose the same or lesser sanction consistent with the

386 Home State’s laws; or, (ii) pursue separate actions against the Compact License Privilege holder
387 under its laws, regardless of the sanctions pursued by the Member State Dental Board.

388 Section 10. Other Requests for Information From the Repository and the Clearinghouse

389 (a) Insurance companies and entities verifying documents for the purpose of licenses
390 extended to a Dentist or Dental Hygienist may seek information from the Clearinghouse for
391 public record documents.

392 (b) A Dentist or Dental Hygienist may submit a request to the Commission to allow any
393 hiring employer, entity, or insurance company to access documents from the Repository for the
394 purposes of credentialing, licensing or other privileges.

395 (c) The Commission shall set a fee schedule for these services.

396 Section 11. Rulemaking Functions of the Commission

397 (a) The Commission shall promulgate reasonable rules in order to effectively and
398 efficiently implement and achieve the purposes and administration of the Compact.
399 Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority
400 in a manner that is beyond the scope of the purposes of the Compact or the powers granted
401 hereunder, then such an action by the Commission may be determined to be invalid and have no
402 force or effect.

403 (b) Rules validly issued by the Commission shall have the force of law in each Member
404 State.

405 (c) Rules deemed appropriate for the operations of the Commission shall be made
406 pursuant to a rulemaking process that substantially conforms to the Model State Administrative
407 Procedure Act of 2010, and subsequent amendments thereto.

408 Section 12. Oversight of the Compact

409 (a) The executive, legislative, and judicial branches of state government in each Member
410 State shall enforce the Compact and shall take all actions necessary and appropriate to effectuate
411 the Compact's purposes and intent to allow for expedited licensure for the purpose of mobility.
412 The provisions of the Compact and the rules promulgated hereunder shall have standing as
413 statutory law but shall not override existing state authority to regulate the practice of dentistry
414 and dental hygiene.

415 (b) All courts may take judicial notice of the Compact and the rules in any judicial or
416 administrative proceeding in a Member State pertaining to the subject matter of the Compact
417 which may affect the powers, responsibilities or actions of the Commission.

418 (c) The Commission shall be entitled to receive all service of process in any such
419 proceeding and shall have standing to intervene in the proceeding for all purposes. Except where
420 the Commission has intervened, failure to provide service of process to the Commission shall
421 render a judgment or order void as to the Commission, the Compact or promulgated rules.

422 Section 13. Enforcement and Default Procedures

423 (a) The Commission, in the reasonable exercise of its discretion, shall enforce the
424 provisions and rules of the Compact.

425 (b) The grounds for default under this Compact by a Member State include, but are not
426 limited to, failure of a Member State to perform such obligations or responsibilities imposed
427 upon it by the Compact or by the rules and Bylaws of the Commission promulgated under the
428 Compact.

429 (c) If the Commission determines that a Member State has defaulted in the performance
430 of its obligations or responsibilities under the Compact, or the Bylaws or promulgated rules, the
431 Commission shall: (i) provide written notice to the defaulting state and other Member States of
432 the nature of the default, the means of curing the default, any action taken by the Commission,
433 and the conditions by which the defaulting state must cure its default; and, (ii) provide remedial
434 training and specific technical assistance regarding the default.

435 (d) If the defaulting state fails to cure the default, the defaulting state shall be terminated
436 from the Compact upon an affirmative vote of a majority of the Commissioners and all rights,
437 privileges and benefits conferred by the Compact shall terminate on the effective date of
438 termination. A cure of the default does not relieve the offending state of obligations or liabilities
439 incurred during the period of the default.

440 (e) Termination of membership in the Compact shall be imposed only after all other
441 means of securing compliance have been exhausted. Notice of intent to terminate shall be given
442 by the Commission to the Governor, the majority and minority leaders of the defaulting state's
443 legislature and each of the Member States.

444 (f) The Commission shall establish rules and procedures to address licenses and Compact
445 License Privilege holders that are materially impacted by the termination of a Member State or
446 the withdrawal of a Member State.

447 (g) The Commission shall not bear any costs relating to any state that has been found to
448 be in default or which has been terminated from the Compact, unless otherwise mutually agreed
449 upon in writing between the Commission and the defaulting state.

450 (h) The defaulting state may appeal the action of the Commission by petitioning the state
451 court where the Commission has its principal offices. The prevailing party shall be awarded all
452 costs of such litigation, including reasonable attorneys' fees.

453 (i) The Commission shall not bear any costs relating to any state that has been found to
454 be in default or which has been terminated from the Compact, unless otherwise mutually agreed
455 upon in writing between the Commission and the defaulting state.

456 (j) The remedies herein shall not be the exclusive remedies of the Commission. The
457 Commission may avail itself of any other remedies available under state law or the regulation of
458 a profession.

459 Section 14. Dispute Resolution

460 (a) The Commission shall attempt, upon the request of a Member State Dental Board, to
461 resolve disputes which are subject to the Compact and which may arise among Member State
462 Dental Boards.

463 (b) The Commission shall promulgate rules providing for both mediation and voluntary
464 binding dispute resolution, as appropriate.

465 Section 15. Member States, Effective Date and Amendment

466 (a) Any state is eligible to become a Member State of the Compact.

467 (b) The Compact shall become effective and binding upon legislative enactment of the
468 Compact into law by no less than five (5) states. Thereafter, it shall become effective and binding
469 on a state upon enactment of the Compact into law by that State.

470 (c) The governors of non-member states, or their designees, shall be invited to participate
471 in the activities of the Commission on a nonvoting basis prior to adoption of the Compact by all
472 States.

473 (d) The Commission may propose amendments to the Compact for enactment by the
474 Member States. No amendment shall become effective and binding upon the Commission and
475 the Member States unless and until it is enacted into law by unanimous consent of the Member
476 States.

477 Section 16. Withdrawal

478 (a) Once effective, the Compact shall continue in force and remain binding upon each
479 and every Member State; provided, however, that a Member State may withdraw from the
480 Compact after giving appropriate notice by specifically repealing the statute which enacted the
481 Compact into law.

482 (b) The Licensee's Compact License Privilege shall remain in effect for six (6) months
483 from the date of the Member State Dental Board withdrawal.

484 (c) The withdrawing State shall immediately notify the chairperson of the Commission in
485 writing upon the introduction of legislation repealing the Compact by the withdrawing State, and
486 upon the enactment of such legislation.

487 (d) The Commission shall notify the other Member States within sixty (60) days of its
488 receipt of notice provided under Section 16(c) of this section.

489 (e) Reinstatement following withdrawal of a Member State shall occur upon the
490 withdrawing state reenacting the Compact or upon such later date as determined by the
491 Commission.

492 (f) The Commission shall issue rules to address the impact of the withdrawal of a
493 Member State on Licenses granted by other Member States to dentists and dental hygienists who
494 designated the withdrawing Member State as their Home State.

495 Section 17. Dissolution

496 (a) The Compact shall dissolve effective upon the date of the withdrawal or default of the
497 Member State which reduces the membership in the Compact to one (1) Member State.

498 (b) Upon the dissolution of the Compact, the Compact shall become null and void and
499 shall be of no further force or effect, and the business and affairs of the Commission shall be
500 concluded and surplus funds shall be distributed in accordance with the Bylaws.

501 Section 18. Severability and Construction

502 (a) The provisions of the Compact shall be severable, and if any phrase, clause, sentence
503 or provision is deemed unenforceable, the remaining provisions of the Compact shall be
504 enforceable.

505 (b) The provisions of the Compact shall be liberally construed to effectuate its purposes.

506 Section 19. Binding Effect of Compact and Other Laws

507 (a) Nothing herein prevents the enforcement of any other law of a Member State that is
508 not inconsistent with the Compact.

509 (b) All lawful actions of the Commission, including all rules and Bylaws promulgated by
510 the Commission, shall be binding upon the Member States.

511 (c) All agreements between the Commission and the Member States shall be binding in
512 accordance with their terms.

513 (d) In the event any provision of the Compact exceeds the constitutional limits imposed
514 on the legislature of any Member State, such provision shall be ineffective to the extent of the
515 conflict with the constitutional provision in question in that Member State.

516 Section 20. Rules of Order

517 The most current edition of the American Institute of Parliamentarians Standard Code of
518 Parliamentary Procedure shall all meetings of the Commission, including its committees, in those
519 situations not otherwise covered in the Bylaws.

520 Section 21. The commonwealth, its officers and employees, and the board of registration
521 in dentistry and its agents who act in accordance with the provisions of this chapter shall not be
522 liable on account of any act or omission in good faith while engaged in the performance of their
523 duties under this chapter. Good faith shall not include willful misconduct, gross negligence, or
524 recklessness.

525 Section 22. As part of the licensure and background check process for a Compact License
526 Privilege and to determine the suitability of an applicant for Compact License Privilege, the
527 board of registration in dentistry, prior to issuing any Compact License Privilege, shall conduct a

528 fingerprint-based check of the state and national criminal history databases, as authorized by 28
529 CFR 20.33 and Public Law 92-544.

530 Fingerprints shall be submitted to the identification section of the department of state
531 police for a state criminal history check and forwarded to the Federal Bureau of Investigation for
532 a national criminal history check, according to the policies and procedures established by the
533 state identification section and by the department of criminal justice information services.
534 Fingerprint submissions may be retained by the Federal Bureau of Investigation, the state
535 identification section and the department of criminal justice information services for requests
536 submitted by the board of registration in dentistry as authorized under this section to ensure the
537 continued suitability of these individuals for licensure. The department of criminal justice
538 information services may disseminate the results of the state and national criminal background
539 checks to the executive director of the board of registration in dentistry and authorized staff of
540 the board.

541 All applicants shall pay a fee to be established by the secretary of administration and
542 finance, in consultation with the secretary of public safety, to offset the costs of operating and
543 administering a fingerprint-based criminal background check system. The secretary of
544 administration and finance, in consultation with the secretary of public safety, may increase the
545 fee accordingly if the Federal Bureau of Investigation increases its fingerprint background check
546 service fee. Any fees collected from fingerprinting activity under this chapter shall be deposited
547 into the Fingerprint-Based Background Check Trust Fund, established in section 2HHHH of 133
548 chapter 29.

549 The board of registration in dentistry may receive all criminal offender record
550 information and the results of checks of state and national criminal history databases under said
551 Public Law 92-544. When the board of registration in dentistry obtains the results of checks of
552 state and national criminal history databases, it shall treat the information according to sections
553 167 to 178, inclusive, of chapter 6 and the regulations thereunder regarding criminal offender
554 record information.

555 Notwithstanding subsections 9 and 9 1/2 of section 4 of chapter 151B, if the board of
556 registration in dentistry receives criminal record information from the state or national
557 fingerprint-based criminal background checks that includes no disposition or is otherwise
558 incomplete, the agency head may request that an applicant for licensure provide additional
559 information regarding the results of the criminal background checks to assist the agency head in
560 determining the applicant's suitability for licensure.

561 SECTION 2. Notwithstanding any general or special law to the contrary, the secretary of
562 administration and finance, following a public hearing, shall increase the fee for obtaining or
563 renewing a license, certificate, registration, permit or authority issued by a board within the
564 department of public health, excluding the board of registration in medicine, as necessary to
565 implement the provisions of the Interstate Dental and Dental Hygiene Licensure Compact. The
566 amount of the increase in fees shall be deposited in the Quality in Health Professions Trust Fund
567 established in section 35X of chapter 10.