

SENATE No. 1494

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Cronin

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 establishing the dentist and dental hygienist compact.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/31/2025</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>4/3/2025</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>7/30/2025</i>

SENATE No. 1494

By Mr. Cronin, a petition (accompanied by bill, Senate, No. 1494) of John J. Cronin for legislation to establish the dentist and dental hygienist compact. Public Health.

The Commonwealth of Massachusetts

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

An Act establishing the dentist and dental hygienist compact.

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 chapter:-

3 Chapter 112B. Dentist and Dental Hygienist Compact

4 Section 1. This chapter shall be known and cited as the Dentist and Dental Hygienist
5 Compact. The purposes of this compact are to facilitate the interstate practice of dentistry and
6 dental hygiene and improve public access to dentistry and dental hygiene services by providing
7 dentists and dental hygienists licensed in a participating state the ability to practice in
8 participating states in which they are not licensed. The compact does this by establishing a
9 pathway for dentists and dental hygienists licensed in a participating state to obtain a compact
10 privilege that authorizes them to practice in another participating state in which they are not
11 licensed. The compact enables participating states to protect the public health and safety with

12 respect to the practice of such dentists and dental hygienists, through the state's authority to
13 regulate the practice of dentistry and dental hygiene in the state. The compact:

14 (i) enables dentists and dental hygienists who qualify for a compact privilege to practice
15 in other participating states without satisfying burdensome and duplicative requirements
16 associated with securing a license to practice in those states;

17 (ii) promotes mobility and addresses workforce shortages through each participating
18 state's acceptance of a compact privilege to practice in that state;

19 (iii) increases public access to qualified, licensed dentists and dental hygienists by
20 creating a responsible, streamlined pathway for licensees to practice in participating states.

21 (iv) enhances the ability of participating states to protect the public's health and safety;

22 (v) does not interfere with licensure requirements established by a participating state;

23 (vi) facilitates the sharing of licensure and disciplinary information among participating
24 states;

25 (vii) requires dentists and dental hygienists who practice in a participating state pursuant
26 to a compact privilege to practice within the scope of practice authorized in that state;

27 (viii) extends the authority of a participating state to regulate the practice of dentistry and
28 dental hygiene within its borders to dentists and dental hygienists who practice in the state
29 through a compact privilege;

30 (ix) promotes the cooperation of participating state in regulating the practice of dentistry
31 and dental hygiene within those states;

32 (x) facilitates the relocation of military members and their spouses who are licensed to
33 practice dentistry or dental hygiene;

34 Section 2. As used in this chapter, unless the context requires otherwise, the following
35 words shall have the following meanings:

36 “Active Military Member”, any person with full-time duty status in the armed forces of
37 the United States, including members of the National Guard and Reserve.

38 “Adverse Action”, disciplinary action or encumbrance imposed on a license or compact
39 privilege by a state licensing authority.

40 “Alternative Program”, a non-disciplinary monitoring or practice remediation process
41 applicable to a dentist or dental hygienist approved by a state licensing authority of a
42 participating state in which the dentist or dental hygienist is licensed, including, but not limited
43 to, programs to which licensees with substance abuse or addiction issues are referred in lieu of
44 adverse action.

45 “Clinical Assessment”, an examination or process, required for licensure as a dentist or
46 dental hygienist, as applicable, that provides evidence of clinical competence in dentistry or
47 dental hygiene.

48 “Commissioner”, the individual appointed by a participating state to serve as the member
49 of the commission for that participating state.

50 “Compact”, this chapter, implementing the Dentist and Dental Hygienist Compact in the
51 commonwealth.

52 “Compact Privilege”, the authorization granted by a remote state to allow a licensee from
53 a participating state to practice as a dentist or dental hygienist in a remote state.

54 “Continuing Professional Development”, a requirement as a condition of license renewal
55 to provide evidence of successful participation in educational or professional activities relevant
56 to practice or area of work.

57 “Criminal Background Check”, the submission of fingerprints or other biometric-based
58 information for a license applicant for the purpose of obtaining that applicant’s criminal history
59 record information, as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation
60 and the State’s criminal history record repository as defined in 28 C.F.R. § 20.3(f).

61 “Data System”, the Commission’s repository of information about licensees, including,
62 but not limited to, examination, licensure, investigative, compact privilege, adverse action, and
63 alternative program.

64 “Dental Hygienist”, an individual who is licensed by a state licensing authority to
65 practice dental hygiene.

66 “Dentist”, an individual who is licensed by a state licensing authority to practice
67 dentistry.

68 “Dentist and Dental Hygienist Compact Commission” or “Commission”, a joint
69 government agency established by this compact comprised of each state that has enacted the
70 compact and a national administrative body comprised of a commissioner from each state that
71 has enacted the compact.

72 “Encumbered License”, a license that a state licensing authority has limited in any way
73 other than through an alternative program.

74 “Executive Board”, the Chair, Vice Chair, Secretary and Treasurer and any other
75 commissioners as may be determined by commission rule or bylaw.

76 “Jurisprudence Requirement”, the assessment of an individual’s knowledge of the laws
77 and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

78 “License”, current authorization by a state, other than authorization pursuant to a compact
79 privilege, or other privilege, for an individual to practice as a dentist or dental hygienist in that
80 state.

81 “Licensee”, an individual who holds an unrestricted license from a participating state to
82 practice as a dentist or dental hygienist in that state.

83 “Model Compact”, the model for the Dentist and Dental Hygienist Compact on file with
84 the Council of State Governments or other entity as designated by the commission.

85 “Participating State”, the commonwealth and any other state that has enacted the compact
86 and been admitted to the commission in accordance with this chapter and commission rules.

87 “Qualifying License”, a license that is not an encumbered license issued by a
88 participating state to practice dentistry or dental hygiene.

89 “Remote State”, a participating state where a licensee who is not licensed as a dentist or
90 dental hygienist is exercising or seeking to exercise the compact privilege.

91 “Rule”, a regulation promulgated by an entity that has the force of law.

92 “Scope of Practice”, the procedures, actions, and processes a dentist or dental hygienist
93 licensed in a state is permitted to undertake in that state and the circumstances under which the
94 licensee is permitted to undertake those procedures, actions and processes. Such procedures,
95 actions and processes and the circumstances under which they may be undertaken may be
96 established through means, including, but not limited to, statute, regulations, case law, and other
97 processes available to the state licensing authority or other government agency.

98 “Significant Investigative Information”, information, records, and documents received or
99 generated by a state licensing authority pursuant to an investigation for which a determination
100 has been made that there is probable cause to believe that the licensee has violated a statute or
101 regulation that is considered more than a minor infraction for which the state licensing authority
102 could pursue adverse action against the licensee.

103 “State”, any state, commonwealth, district, or territory of the United States of America
104 that regulates the practices of dentistry and dental hygiene.

105 “State Licensing Authority,” an agency or other entity of a state that is responsible for the
106 licensing and regulation of dentists or dental hygienists.

107 Section 3. (a) In order to join the compact and thereafter continue as a participating state,
108 a state shall:

109 (1) enact a compact that is not materially different from the model compact as determined
110 in accordance with commission rules;

111 (2) participate fully in the commission’s data system;

112 (3) have a mechanism in place for receiving and investigating complaints about its
113 licensees and license applicants;

114 (4) notify the commission, in compliance with the terms of the compact and commission
115 rules, of any adverse action or the availability of significant investigative information regarding a
116 licensee and license applicant;

117 (5) fully implement a criminal background check requirement, within a time frame
118 established by commission rule, by receiving the results of a qualifying criminal background
119 check;

120 (6) comply with the commission rules applicable to a participating state;

121 (7) accept the National Board Examinations of the Joint Commission on National Dental
122 Examinations or another examination accepted by commission rule as a licensure examination;

123 (8) accept for licensure that applicants for a dentist license graduate from a predoctoral
124 dental education program accredited by the Commission on Dental Accreditation, or another
125 accrediting agency recognized by the United States Department of Education for the
126 accreditation of dentistry and dental hygiene education programs, leading to the Doctor of Dental
127 Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

128 (9) accept for licensure that applicants for a dental hygienist license graduate from a
129 dental hygiene education program accredited by the Commission on Dental Accreditation or
130 another accrediting agency recognized by the United States Department of Education for the
131 accreditation of dentistry and dental hygiene education programs;

132 (10) require for licensure that applicants successfully complete a clinical assessment;

133 (11) have continuing professional development requirements as a condition for license
134 renewal; and

135 (12) pay a participation fee to the commission as established by commission rule.

136 (b) Providing alternative pathways for an individual to obtain an unrestricted license shall
137 not disqualify a state from participating in the compact.

138 (c) When conducting a criminal background check the state licensing authority shall:

139 (1) consider that information in making a licensure decision;

140 (2) maintain documentation of completion of the criminal background check and
141 background check information to the extent allowed by state and federal law; and

142 (3) report to the commission whether it has completed the criminal background check and
143 whether the individual was granted or denied a license

144 (d) A licensee of a participating state who has a qualifying license in that state and does
145 not hold an encumbered license in any other participating state shall be issued a compact
146 privilege in a remote state in accordance with the terms of the compact and commission rules. If
147 a remote state has a jurisprudence requirement a compact privilege will not be issued to the
148 licensee unless the licensee has satisfied the jurisprudence requirement.

149 Section 4. (a) To obtain and exercise the compact privilege under the terms and
150 provisions of the compact, the licensee shall:

151 (1) have a qualifying license as a dentist or dental hygienist in a participating state;

152 (2) be eligible for a compact privilege in any remote State in accordance with paragraphs
153 (d), (g) and (h);

154 (3) submit to an application process whenever the licensee is seeking a compact
155 privilege;

156 (4) pay any applicable commission and remote state fees for a compact privilege in the
157 remote state;

158 (5) meet any jurisprudence requirement established by a remote state in which the
159 licensee is seeking a compact privilege;

160 (6) have passed a National Board Examination of the Joint Commission on National
161 Dental Examinations or another examination accepted by commission rule;

162 (7) for a dentist, have graduated from a predoctoral dental education program accredited
163 by the Commission on Dental Accreditation, or another accrediting agency recognized by the
164 United States Department of Education for the accreditation of dentistry and dental hygiene
165 education programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental
166 Medicine (D.M.D.) degree;

167 (8) for a dental hygienist, have graduated from a dental hygiene education program
168 accredited by the Commission on Dental Accreditation or another accrediting agency recognized
169 by the United States Department of Education for the accreditation of dentistry and dental
170 hygiene education programs;

171 (9) have successfully completed a clinical assessment for licensure;

172 (10) report to the commission adverse action taken by any non-participating state when
173 applying for a compact privilege and, otherwise, within 30 days from the date the adverse action
174 is taken;

175 (11) report to the commission when applying for a compact privilege the address of the
176 licensee's primary residence and thereafter immediately report to the commission any change in
177 the address of the licensee's primary residence; and

178 (12) consent to accept service of process by mail at the licensee's primary residence on
179 record with the commission with respect to any action brought against the licensee by the
180 commission or a participating state, and consent to accept service of a subpoena by mail at the
181 licensee's primary residence on record with the commission with respect to any action brought or
182 investigation conducted by the commission or a participating state.

183 (b) The licensee must comply with the requirements of subsection (a) to maintain the
184 compact privilege in the remote state. If those requirements are met, the compact privilege will
185 continue as long as the licensee maintains a qualifying license in the state through which the
186 licensee applied for the compact privilege and pays any applicable compact privilege renewal
187 fees.

188 (c) A licensee providing dentistry or dental hygiene in a remote state under the compact
189 privilege shall function within the scope of practice authorized by the remote state for a dentist or
190 dental hygienist licensed in that state.

191 (d) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a
192 remote state is subject to that state's regulatory authority. A remote state may, in accordance
193 with due process and that state's laws, by adverse action revoke or remove a licensee's compact

194 privilege in the remote state for a specific period of time and impose fines or take any other
195 necessary actions to protect the health and safety of its citizens. If a remote state imposes an
196 adverse action against a compact privilege that limits the compact privilege, that adverse action
197 applies to all compact privileges in all remote states. A licensee whose compact privilege in a
198 remote state is removed for a specified period of time is not eligible for a compact privilege in
199 any other remote state until the specific time for removal of the compact privilege has passed and
200 all encumbrance requirements are satisfied.

201 (e) If a license in a participating state is an encumbered license, the licensee shall lose the
202 compact privilege in a remote state and shall not be eligible for a compact privilege in any
203 remote state until the license is no longer encumbered.

204 (f) Once an encumbered license in a participating state is restored to good standing, the
205 licensee must meet the requirements of subsection (a) to obtain a compact privilege in a remote
206 state.

207 (g) If a licensee's compact privilege in a remote state is removed by the remote state, the
208 individual shall lose or be ineligible for the compact privilege in any remote state until the
209 following occur:

210 (1) the specific period of time for which the compact privilege was removed has ended;

211 and

212 (2) all conditions for removal of the compact privilege have been satisfied.

213 (h) Once the requirements of subsection (g) have been met, the licensee must meet the
214 requirements in subsection (a) to obtain a compact privilege in a remote state.

215 Section 5. An active military member and their spouse shall not be required to pay to the
216 commission for a compact privilege the fee otherwise charged by the commission. If a remote
217 state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no
218 fee to an active military member and their spouse for a compact privilege.

219 Section 6. (a) A participating state in which a licensee is licensed shall have exclusive
220 authority to impose adverse action against the qualifying license issued by that participating
221 state.

222 (b) A participating state may take adverse action based on the significant investigative
223 information of a remote state, so long as the participating state follows its own procedures for
224 imposing adverse action.

225 (c) Nothing in this compact shall override a participating state's decision that
226 participation in an alternative program may be used in lieu of adverse action and that such
227 participation shall remain non-public if required by the participating state's laws. Participating
228 states must require licensees who enter any alternative program in lieu of discipline to agree not
229 to practice pursuant to a compact privilege in any other participating state during the term of the
230 alternative program without prior authorization from such other participating state.

231 (d) Any participating state in which a licensee is applying to practice or is practicing
232 pursuant to a compact privilege may investigate actual or alleged violations of the statutes and
233 regulations authorizing the practice of dentistry or dental hygiene in any other participating state
234 in which the dentist or dental hygienist holds a license or compact privilege.

235 (e) A remote state shall have the authority to:

236 (1) take adverse actions under subsection (d) of section 4 against a licensee's compact
237 privilege in the state;

238 (2) in furtherance of its rights and responsibilities under the compact and the
239 commission's rules issue subpoenas for both hearings and investigations that require the
240 attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a
241 state licensing authority in a participating state for the attendance and testimony of witnesses, or
242 the production of evidence from another participating state, shall be enforced in the latter state by
243 any court of competent jurisdiction, according to the practice and procedure of that court
244 applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay
245 any witness fees, travel expenses, mileage, and other fees required by the service statutes of the
246 state where the witnesses or evidence are located; and

247 (3) if otherwise permitted by state law, recover from the licensee the costs of
248 investigations and disposition of cases resulting from any adverse action taken against that
249 licensee.

250 (f)(1) In addition to the authority granted to a participating state by its dentist or dental
251 hygienist licensure act or other applicable state law, a participating state may jointly investigate
252 licensees with other participating states.

253 (2) Participating states shall share any significant investigative information, litigation, or
254 compliance materials in furtherance of any joint or individual investigation initiated under the
255 compact.

256 (g) (1) After a licensee's compact privilege in a remote state is terminated, the remote
257 state may continue an investigation of the licensee that began when the licensee had a compact
258 privilege in that remote state.

259 (2) If the investigation yields what would be significant investigative information had the
260 licensee continued to have a compact privilege in that remote state, the remote state shall report
261 the presence of such information to the data system as required by paragraph (6) of subsection
262 (b) of section 8 as if it was significant investigative information.

263 Section 7. (a) The compact participating states hereby create and establish a joint
264 government agency whose membership consists of all participating states that have enacted the
265 compact. The commission is an instrumentality of the participating states acting jointly and not
266 an instrumentality of any one state. The commission shall come into existence on or after the
267 effective date of the compact as set forth in subsection (a) of section 11.

268 (b) (1) Each participating state shall have and be limited to 1 commissioner selected by
269 that participating state's state licensing authority or, if the state has more than 1 state licensing
270 authority, selected collectively by the state licensing authorities.

271 (2) The commissioner shall be a member or designee of such authority or authorities.

272 (3) The commission may by rule or bylaw establish a term of office for commissioners
273 and may by rule or bylaw establish term limits.

274 (4) The commission may recommend to a state licensing authority or authorities, as
275 applicable, removal or suspension of an individual as the state's commissioner.

276 (5) A participating state's state licensing authority, or authorities, as applicable, shall fill
277 any vacancy of its commissioner on the commission within 60 days of the vacancy.

278 (6) Each commissioner shall be entitled to 1 vote on all matters that are voted upon by the
279 commission.

280 (7) The commission shall meet at least once during each calendar year. Additional
281 meetings may be held as set forth in the bylaws. The commission may meet by
282 telecommunication, video conference or other similar electronic means.

283 (c) The commission shall have the following powers:

284 (1) establish the fiscal year of the commission;

285 (2) establish a code of conduct and conflict of interest policies;

286 (3) adopt rules and bylaws;

287 (4) maintain its financial records in accordance with the bylaws;

288 (5) meet and take such actions as are consistent with the provisions of this compact, the
289 commission's rules, and the bylaws;

290 (6) initiate and conclude legal proceedings or actions in the name of the commission;
291 provided, that the standing of any state licensing authority to sue or be sued under applicable law
292 shall not be affected;

293 (7) maintain and certify records and information provided to a participating state as the
294 authenticated business records of the commission, and designate a person to do so on the
295 commission's behalf;

296 (8) purchase and maintain insurance and bonds;

297 (9) borrow, accept, or contract for services of personnel, including, but not limited to,
298 employees of a participating state;

299 (10) conduct an annual financial review;

300 (11) hire employees, elect or appoint officers, fix compensation, define duties, grant such
301 individuals appropriate authority to carry out the purposes of the compact, and establish the
302 commission's personnel policies and programs relating to conflicts of interest, qualifications of
303 personnel, and other related personnel matters;

304 (12) as set forth in the commission rules, charge a fee to a licensee for the grant of a
305 compact privilege in a remote state and thereafter, as may be established by commission rule,
306 charge the licensee a compact privilege renewal fee for each renewal period in which that
307 licensee exercises or intends to exercise the compact privilege in that remote state. Nothing
308 herein shall be construed to prevent a remote state from charging a licensee a fee for a compact
309 privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the
310 remote state imposes such a requirement for the grant of a compact privilege;

311 (13) accept any and all appropriate gifts, donations, grants of money, other sources of
312 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the
313 same; provided that at all times the commission shall avoid any appearance of impropriety or
314 conflict of interest;

315 (14) lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
316 mixed, or any undivided interest therein;

317 (15) sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
318 any property real, personal, or mixed;

319 (16) establish a budget and make expenditures;

320 (17) borrow money;

321 (18) appoint committees, including standing committees, which may be composed of
322 members, state regulators, state legislators or their representatives, and consumer representatives,
323 and such other interested persons as may be designated in this compact and the bylaws;

324 (19) provide and receive information from, and cooperate with, law enforcement
325 agencies;

326 (20) elect a chair, vice chair, secretary and treasurer and such other officers of the
327 commission as provided in the commission's bylaws;

328 (21) establish and elect an executive board;

329 (22) adopt and provide to the participating states an annual report;

330 (23) determine whether a state's enacted compact is materially different from the model
331 compact language such that the state would not qualify for participation in the compact; and

332 (24) perform such other functions as may be necessary or appropriate to achieve the
333 purposes of this compact.

334 (d) (1) All meetings of the commission that are not closed pursuant to this subsection
335 shall be open to the public. Notice of public meetings shall be posted on the commission's
336 website at least 30 days prior to the public meeting.

337 (2) Notwithstanding paragraph 1 of subsection (d), the commission may convene an
338 emergency public meeting by providing at least 24 hours prior notice on the commission's
339 website, and any other means as provided in the commission's rules, for any of the reasons it
340 may dispense with notice of proposed rulemaking under section 9. The commission's legal
341 counsel shall certify that 1 of the reasons justifying an emergency public meeting has been met.

342 (3) Notice of all commission meetings shall provide the time, date, and location of the
343 meeting, and if the meeting is to be held or accessible via telecommunication, video conference,
344 or other electronic means, the notice shall include the mechanism for access to the meeting
345 through such means.

346 (4) The commission may convene in a closed, non-public meeting for the commission to
347 receive legal advice or to discuss:

348 (i) non-compliance of a participating state with its obligations under the compact;

349 (ii) the employment, compensation, discipline or other matters, practices or procedures
350 related to specific employees or other matters related to the commission's internal personnel
351 practices and procedures;

352 (iii) current or threatened discipline of a licensee or compact privilege holder by the
353 commission or by a participating state's licensing authority;

354 (iv) current, threatened, or reasonably anticipated litigation;

355 (v) negotiation of contracts for the purchase, lease, or sale of goods, services, or real
356 estate;

357 (vi) accusing any person of a crime or formally censuring any person;

- 358 (vii) trade secrets or commercial or financial information that is privileged or
359 confidential;
- 360 (viii) information of a personal nature where disclosure would constitute a clearly
361 unwarranted invasion of personal privacy;
- 362 (ix) investigative records compiled for law enforcement purposes;
- 363 (x) information related to any investigative reports prepared by or on behalf of or for use
364 of the commission or other committee charged with responsibility of investigation or
365 determination of compliance issues pursuant to the compact;
- 366 (xi) legal advice;
- 367 (xii) matters specifically exempted from disclosure to the public by federal or
368 participating state law; and
- 369 (xiii) other matters as promulgated by the commission by rule.

370 (5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
371 meeting will be closed and reference each relevant exempting provision, and such reference shall
372 be recorded in the minutes.

373 (6) The commission shall keep minutes that fully and clearly describe all matters
374 discussed in a meeting and shall provide a full and accurate summary of actions taken, and the
375 reasons therefore, including a description of the views expressed. All documents considered in
376 connection with an action shall be identified in such minutes. All minutes and documents of a
377 closed meeting shall remain under seal, subject to release only by a majority vote of the
378 commission or order of a court of competent jurisdiction.

379 (e) (1) The commission shall pay, or provide for the payment of, the reasonable expenses
380 of its establishment, organization, and ongoing activities.

381 (2) The commission may accept any and all appropriate sources of revenue, donations,
382 and grants of money, equipment, supplies, materials, and services.

383 (3) The commission may levy on and collect an annual assessment from each
384 participating state and impose fees on licensees of participating states when a compact privilege
385 is granted to cover the cost of the operations and activities of the commission and its staff, which
386 must be in a total amount sufficient to cover its annual budget as approved each fiscal year for
387 which sufficient revenue is not provided by other sources. The aggregate annual assessment
388 amount for participating states shall be allocated based upon a formula that the commission shall
389 promulgate by rule.

390 (4) The commission shall not incur obligations of any kind prior to securing the funds
391 adequate to meet the same; nor shall the commission pledge the credit of any participating state,
392 except by and with the authority of the participating state.

393 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
394 receipts and disbursements of the commission shall be subject to the financial review and
395 accounting procedures established under its bylaws. All receipts and disbursements of funds
396 handled by the commission shall be subject to an annual financial review by a certified or
397 licensed public accountant, and the report of the financial review shall be included in and
398 become part of the annual report of the commission.

399 (f) (1) The executive board shall have the power to act on behalf of the commission
400 according to the terms of this compact. The powers, duties, and responsibilities of the executive
401 board shall include:

402 (i) overseeing the day-to-day activities of the administration of the compact including
403 compliance with the provisions of the compact, the commission's rules and bylaws;

404 (ii) recommending to the commission changes to the rules or bylaws, changes to this
405 compact legislation, fees charged to compact participating states, fees charged to licensees, and
406 other fees;

407 (iii) ensuring compact administration services are appropriately provided, including by
408 contract;

409 (iv) preparing and recommending the budget;

410 (v) maintaining financial records on behalf of the commission;

411 (vi) monitoring compact compliance of participating states and providing compliance
412 reports to the commission;

413 (vii) establishing additional committees as necessary;

414 (viii) exercising the powers and duties of the commission during the interim between
415 commission meetings, except for adopting or amending rules, adopting or amending bylaws, and
416 exercising any other powers and duties expressly reserved to the commission by rule or bylaw;
417 and

418 (ix) other duties as provided in the rules or bylaws of the commission.

419 (2) The executive board shall be composed of up to 7 members:

420 (i) The chair, vice chair, secretary and treasurer of the commission and any other members
421 of the commission who serve on the executive board shall be voting members of the executive
422 board;

423 (ii) Other than the chair, vice chair, secretary, and treasurer, the commission may elect up
424 to 3 voting members from the current membership of the commission.

425 (3) The commission may remove any member of the executive board as provided in the
426 commission's bylaws.

427 (4) The executive board shall meet at least annually.

428 (i) An executive board meeting at which it takes or intends to take formal action on a
429 matter shall be open to the public, except that the executive board may meet in a closed, non-
430 public session of a public meeting when dealing with any of the matters covered under paragraph
431 (4) of subsection (d).

432 (ii) The executive board shall give 5 business days' notice of its public meetings, posted
433 on its website and as it may otherwise determine to provide notice to persons with an interest in
434 the public matters the executive board intends to address at those meetings.

435 5. The executive board may hold an emergency meeting when acting for the commission
436 to:

437 (i) meet an imminent threat to public health, safety, or welfare;

438 (ii) prevent a loss of commission or participating state funds; or

439 (iii) protect public health and safety.

440 (g) (1) The members, officers, executive director, employees and representatives of the
441 commission shall be immune from suit and liability, both personally and in their official
442 capacity, for any claim for damage to or loss of property or personal injury or other civil liability
443 caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the
444 person against whom the claim is made had a reasonable basis for believing occurred within the
445 scope of commission employment, duties or responsibilities; provided that nothing in this
446 paragraph shall be construed to protect any such person from suit or liability for any damage,
447 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.
448 The procurement of insurance of any type by the commission shall not in any way compromise
449 or limit the immunity granted hereunder.

450 (2) The commission shall defend any member, officer, executive director, employee, and
451 representative of the commission in any civil action seeking to impose liability arising out of any
452 actual or alleged act, error, or omission that occurred within the scope of commission
453 employment, duties, or responsibilities, or as determined by the commission that the person
454 against whom the claim is made had a reasonable basis for believing occurred within the scope
455 of commission employment, duties, or responsibilities; provided that nothing herein shall be
456 construed to prohibit that person from retaining their own counsel at their own expense; and
457 provided further, that the actual or alleged act, error, or omission did not result from that
458 person's intentional or willful or wanton misconduct.

459 (3) Notwithstanding paragraph (1), should any member, officer, executive director,
460 employee, or representative of the commission be held liable for the amount of any settlement or

461 judgment arising out of any actual or alleged act, error, or omission that occurred within the
462 scope of that individual's employment, duties, or responsibilities for the commission, or that the
463 person to whom that individual is liable had a reasonable basis for believing occurred within the
464 scope of the individual's employment, duties, or responsibilities for the commission, the
465 commission shall indemnify and hold harmless such individual, provided that the actual or
466 alleged act, error, or omission did not result from the intentional or willful or wanton misconduct
467 of the individual.

468 (4) Nothing herein shall be construed as a limitation on the liability of any licensee for
469 professional malpractice or misconduct, which shall be governed solely by any other applicable
470 state laws.

471 (5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a
472 participating state's state action immunity or state action affirmative defense with respect to
473 antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or
474 anticompetitive law or regulation.

475 (6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by
476 the participating states or by the commission.

477 Section 8. (a) The commission shall provide for the development, maintenance,
478 operation, and utilization of a coordinated database and reporting system containing licensure,
479 adverse action, and the presence of significant investigative information on all licensees and
480 applicants for a license in participating states.

481 (b) Notwithstanding any other provision of state law to the contrary, a participating state
482 shall submit a uniform data set to the data system on all individuals to whom this compact is
483 applicable as required by the rules of the commission, including:

484 (1) identifying information;

485 (2) licensure data;

486 (3) adverse actions against a licensee, license applicant or compact privilege and
487 information related thereto;

488 (4) non-confidential information related to alternative program participation, the
489 beginning and ending dates of such participation, and other information related to such
490 participation;

491 (5) any denial of an application for licensure, and the reason or reasons for such denial,
492 excluding the reporting of any criminal history record information where prohibited by law;

493 (6) the presence of significant investigative information; and

494 (7) other information that may facilitate the administration of this compact or the
495 protection of the public, as determined by the rules of the commission.

496 (c) the records and information provided to a participating state pursuant to this compact
497 or through the data system, when certified by the commission or an agent thereof, shall constitute
498 the authenticated business records of the commission, and shall be entitled to any associated
499 hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a
500 participating state.

501 (d) Significant investigative information pertaining to a licensee in any participating state
502 will only be available to other participating states.

503 (e) It shall be the responsibility of the participating states to monitor the database to
504 determine whether adverse action has been taken against a licensee or license applicant. Adverse
505 action information pertaining to a licensee or license applicant in any participating state will be
506 available to any other participating state.

507 (f) Participating states contributing information to the data system may designate
508 information that may not be shared with the public without the express permission of the
509 contributing state.

510 (g) Any information submitted to the data system that is subsequently expunged pursuant
511 to federal law or the laws of the participating state contributing the information shall be removed
512 from the data system.

513 Section 9. (a) The commission shall promulgate reasonable rules in order to effectively
514 and efficiently implement and administer the purposes and provisions of the compact. A
515 commission rule shall be invalid and have no force or effect only if a court of competent
516 jurisdiction holds that the rule is invalid because the commission exercised its rulemaking
517 authority in a manner that is beyond the scope and purposes of the compact, or the powers
518 granted hereunder, or based upon another applicable standard of review.

519 (b) The rules of the commission shall have the force of law in each participating state,
520 provided however that where the rules of the commission conflict with the laws of the
521 participating state that establish the participating state's scope of practice as held by a court of

522 competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent
523 of the conflict.

524 (c) The commission shall exercise its rulemaking powers pursuant to the criteria in this
525 section and the rules adopted thereunder. Rules shall become binding as of the date specified by
526 the commission for each rule.

527 (d) If a majority of the legislatures of the participating states rejects a commission rule or
528 portion of a commission rule, by enactment of a statute or resolution in the same manner used to
529 adopt the compact, within 4 years of the date of adoption of the rule, then such rule shall have no
530 further force and effect in any participating state or to any state applying to participate in the
531 compact.

532 (e) Rules shall be adopted at a regular or special meeting of the commission.

533 (f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and
534 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

535 (g) Prior to adoption of a proposed rule by the commission, and at least 30 days in
536 advance of the meeting at which the commission will hold a public hearing on the proposed rule,
537 the commission shall provide a notice of proposed rulemaking:

538 (1) on the website of the commission or other publicly accessible platform;

539 (2) to persons who have requested notice of the commission's notices of proposed
540 rulemaking, and

541 (3) in such other ways as the commission may by rule specify.

542 (h) The notice of proposed rulemaking shall include:

543 (1) the time, date, and location of the public hearing at which the commission will hear
544 public comments on the proposed rule and, if different, the time, date, and location of the
545 meeting where the commission will consider and vote on the proposed rule;

546 (2) if the hearing is held via telecommunication, video conference, or other electronic
547 means, the commission shall include the mechanism for access to the hearing in the notice of
548 proposed rulemaking;

549 (3) the text of the proposed rule and the reason therefor;

550 (4) a request for comments on the proposed rule from any interested person; and

551 (5) the manner in which interested persons may submit written comments.

552 (i) All hearings shall be recorded. A copy of the recording and all written comments and
553 documents received by the commission in response to the proposed rule shall be available to the
554 public.

555 (j) Nothing in this section shall be construed as requiring a separate hearing on each
556 commission rule. Rules may be grouped for the convenience of the commission at hearings
557 required by this section.

558 (k) The commission shall, by majority vote of all commissioners, take final action on the
559 proposed rule based on the rulemaking record.

560 (1) The commission may adopt changes to the proposed rule provided the changes do not
561 enlarge the original purpose of the proposed rule.

562 (2) The commission shall provide an explanation of the reasons for substantive changes
563 made to the proposed rule as well as reasons for substantive changes not made that were
564 recommended by commenters.

565 (3) The commission shall determine a reasonable effective date for the rule. Except for an
566 emergency as provided in subsection (1), the effective date of the rule shall be no sooner than 30
567 days after the commission issuing the notice that it adopted or amended the rule.

568 (1) Upon determination that an emergency exists, the commission may consider and adopt
569 an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual
570 rulemaking procedures provided in the compact and in this section shall be retroactively applied
571 to the rule as soon as reasonably possible, in no event later than 90 days after the effective date
572 of the rule. For the purposes of this provision, an emergency rule is one that must be adopted
573 immediately in order to:

574 (1) meet an imminent threat to public health, safety, or welfare;

575 (2) prevent a loss of commission or participating state funds;

576 (3) meet a deadline for the promulgation of a rule that is established by federal law or
577 rule; or

578 (4) protect public health and safety.

579 (m) The commission or an authorized committee of the commission may direct revisions
580 to a previously adopted rule for purposes of correcting typographical errors, errors in format,
581 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the
582 website of the commission. The revision shall be subject to challenge by any person for a period

583 of 30 days after posting. The revision may be challenged only on grounds that the revision
584 results in a material change to a rule. A challenge shall be made in writing and delivered to the
585 commission prior to the end of the notice period. If no challenge is made, the revision will take
586 effect without further action. If the revision is challenged, the revision may not take effect
587 without the approval of the commission.

588 (n) No participating state's rulemaking requirements shall apply under this compact.

589 Section 10. (a) (1) The executive and judicial branches of state government in each
590 participating state shall enforce this compact and take all actions necessary and appropriate to
591 implement the compact.

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

598 (3) The commission shall be entitled to receive service of process in any proceeding
599 regarding the enforcement or interpretation of the compact or commission rule and shall have
600 standing to intervene in such a proceeding for all purposes. Failure to provide the commission
601 service of process shall render a judgment or order void as to the commission, this compact, or
602 promulgated rules.

603 (b) (1) If the commission determines that a participating state has defaulted in the
604 performance of its obligations or responsibilities under this compact or the promulgated rules,

605 the commission shall provide written notice to the defaulting state. The notice of default shall
606 describe the default, the proposed means of curing the default, and any other action that the
607 commission may take, and shall offer training and specific technical assistance regarding the
608 default.

609 (2) The commission shall provide a copy of the notice of default to the other participating
610 states.

611 (c) If a state in default fails to cure the default, the defaulting state may be terminated
612 from the compact upon an affirmative vote of a majority of the commissioners, and all rights,
613 privileges and benefits conferred on that state by this compact may be terminated on the effective
614 date of termination. A cure of the default does not relieve the offending state of obligations or
615 liabilities incurred during the period of default.

616 (d) Termination of participation in the compact shall be imposed only after all other
617 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
618 shall be given by the commission to the governor, the majority and minority leaders of the
619 defaulting state's legislature, the defaulting state's state licensing authority or authorities, as
620 applicable, and each of the participating states' state licensing authority or authorities, as
621 applicable.

622 (e) A state that has been terminated is responsible for all assessments, obligations, and
623 liabilities incurred through the effective date of termination, including obligations that extend
624 beyond the effective date of termination.

625 (f) Upon the termination of a state's participation in this compact, that state shall
626 immediately provide notice to all licensees of the state, including licensees of other participating

627 states issued a compact privilege to practice within that state, of such termination. The
628 terminated state shall continue to recognize all compact privileges then in effect in that state for a
629 minimum of 180 days after the date of said notice of termination.

630 (g) The commission shall not bear any costs related to a state that is found to be in default
631 or that has been terminated from the compact, unless agreed upon in writing between the
632 commission and the defaulting state.

633 (h) The defaulting state may appeal the action of the commission by petitioning the U.S.
634 District Court for the District of Columbia or the federal district where the commission has its
635 principal offices. The prevailing party shall be awarded all costs of such litigation, including
636 reasonable attorney's fees.

637 (i) (1) Upon request by a participating state, the commission shall attempt to resolve
638 disputes related to the compact that arise among participating states and between participating
639 states and non-participating states.

640 (2) The commission shall promulgate a rule providing for both mediation and binding
641 dispute resolution for disputes as appropriate.

642 (j) (1) The commission, in the reasonable exercise of its discretion, shall enforce the
643 provisions of this compact and the commission's rules.

644 (2) By majority vote, the commission may initiate legal action against a participating
645 state in default in the United States District Court for the District of Columbia or the federal
646 district where the commission has its principal offices to enforce compliance with the provisions
647 of the compact and its promulgated rules. The relief sought may include both injunctive relief

648 and damages. In the event judicial enforcement is necessary, the prevailing party shall be
649 awarded all costs of such litigation, including reasonable attorney’s fees. The remedies herein
650 shall not be the exclusive remedies of the commission. The commission may pursue any other
651 remedies available under federal or the defaulting participating state’s law.

652 (3) A participating state may initiate legal action against the commission in the U.S.
653 District Court for the District of Columbia or the federal district where the commission has its
654 principal offices to enforce compliance with the provisions of the compact and its promulgated
655 rules. The relief sought may include both injunctive relief and damages. In the event judicial
656 enforcement is necessary, the prevailing party shall be awarded all costs of such litigation,
657 including reasonable attorney’s fees.

658 (4) No individual or entity other than a participating state may enforce this compact
659 against the commission.

660 Section 11. (a) The compact shall come into effect on the date on which the compact
661 statute is enacted into law in the seventh participating state.

662 (1) On or after the effective date of the compact, the commission shall convene and
663 review the enactment of each of the states that enacted the compact prior to the commission
664 convening, referred to as charter participating states, to determine if the statute enacted by each
665 such charter participating state is materially different than the model compact.

666 (a) A charter participating state whose enactment is found to be materially different from
667 the model compact shall be entitled to the default process in section 10.

668 (b) If any participating state is later found to be in default, or is terminated or withdraws
669 from the compact, the commission shall remain in existence and the compact shall remain in
670 effect even if the number of participating states is less than 7.

671 (2) Participating states enacting the compact subsequent to the charter participating states
672 shall be subject to the process in paragraph 23 of subsection (c) of section 7 to determine if their
673 enactments are materially different from the model compact and whether they qualify for
674 participation in the compact.

675 (3) All actions taken for the benefit of the commission or in furtherance of the purposes
676 of the administration of the compact prior to the effective date of the compact or the commission
677 coming into existence shall be considered to be actions of the commission unless specifically
678 repudiated by the commission.

679 (4) Any state that joins the compact subsequent to the commission's initial adoption of
680 the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on the
681 date on which the compact becomes law in that state. Any rule that has been previously adopted
682 by the commission shall have the full force and effect of law on the day the compact becomes
683 law in that state.

684 (b) Any participating state may withdraw from this compact by enacting a statute
685 repealing that state's enactment of the compact.

686 (1) A participating state's withdrawal shall not take effect until 180 days after enactment
687 of the repealing statute.

688 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
689 licensing authority or authorities to comply with the investigative and adverse action reporting
690 requirements of this compact prior to the effective date of withdrawal.

691 (3) Upon the enactment of a statute withdrawing from this compact, the state shall
692 immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding
693 any subsequent statutory enactment to the contrary, such withdrawing state shall continue to
694 recognize all compact privileges to practice within that state granted pursuant to this compact for
695 a minimum of 180 days after the date of such notice of withdrawal.

696 (c) Nothing contained in this compact shall be construed to invalidate or prevent any
697 licensure agreement or other cooperative arrangement between a participating state and a non-
698 participating state that does not conflict with the provisions of this compact.

699 (d) This compact may be amended by the participating states. No amendment to this
700 compact shall become effective and binding upon any participating state until it is enacted into
701 the laws of all participating states.

702 Section 12. (a) This compact and the commission's rulemaking authority shall be
703 liberally construed so as to effectuate the purposes, and the implementation and administration of
704 the compact. Provisions of the compact expressly authorizing or requiring the promulgation of
705 rules shall not be construed to limit the commission's rulemaking authority solely for those
706 purposes.

707 (b) The provisions of this compact shall be severable and if any phrase, clause, sentence
708 or provision of this compact is held by a court of competent jurisdiction to be contrary to the
709 constitution of any participating state, a state seeking participation in the compact, or of the

710 United States, or the applicability thereof to any government, agency, person or circumstance is
711 held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of
712 this compact and the applicability thereof to any other government, agency, person or
713 circumstance shall not be affected thereby.

714 (c) Notwithstanding subsection (b), the commission may deny a state's participation in
715 the compact or, in accordance with the requirements of subsection (b) of section 10, terminate a
716 participating state's participation in the compact, if it determines that a constitutional
717 requirement of a participating state is a material departure from the compact. Otherwise, if this
718 compact shall be held to be contrary to the constitution of any participating state, the compact
719 shall remain in full force and effect as to the remaining participating states and in full force and
720 effect as to the participating state affected as to all severable matters.

721 Section 13. (a) Nothing herein shall prevent or inhibit the enforcement of any other law
722 of a participating state that is not inconsistent with the compact.

723 (b) Any laws, statutes, regulations, or other legal requirements in a participating state in
724 conflict with the compact are superseded to the extent of the conflict.

725 (c) All permissible agreements between the commission and the participating states are
726 binding in accordance with their terms.