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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2299 Session of  
2024

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INTRODUCED BY HARKINS, KINSEY, SANCHEZ, BURGOS, GIRAL, HILL-  
EVANS, ROZZI, CONKLIN, D. WILLIAMS, MERSKI AND DALEY,  
MAY 20, 2024

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MAY 20, 2024

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AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the  
2 Interstate Dental and Dental Hygiene Licensure Compact; and  
3 providing for the form of the compact.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Interstate  
8 Dental and Dental Hygiene Licensure Compact Act.

9 Section 2. Authority to execute compact.

10 The Governor, on behalf of the Commonwealth, is hereby  
11 authorized to execute a compact in substantially the following  
12 form with any one or more of the states of the United States and  
13 the General Assembly hereby signifies in advance its approval  
14 and ratification of the compact:

15 INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT

16 Section 1. PURPOSE

17 This Compact shall be known as the Interstate Dental and  
18 Dental Hygiene Licensure Compact and the purpose of the Compact

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

12 The Compact:

13 (a) Allows for expedited licensure portability and ease of  
14 movement of licensees between states;

15 (b) Allows each state to continue to regulate the practice  
16 of dentistry and dental hygiene within its borders;

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

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

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

28 (f) Facilitates a faster licensure process for relocation or  
29 separation of military members and their dependent spouses;  
30 there are no Compact fees for military members or their spouses;

1 (g) Alleviates a duplicative process for licensure among  
2 multiple states; and

3 (h) Saves applicants money by not having to obtain duplicate  
4 documents from a source that charges for the documents.

5 Section 2. DEFINITIONS

6 (a) "AADB" means the American Association of Dental Boards  
7 (AADB) or its named successor, formerly known as the American  
8 Association of Dental Examiners (AADE), originally chartered on  
9 September 10th, 1896 and renewed in 1944, comprised of State  
10 Dental Boards in the United States and its territories;

11 (b) "Attorneys' Committee" means the committee of attorneys  
12 who currently represent a Member State Dental Board. The  
13 Attorneys' Committee shall participate in the Commission as a  
14 non-voting member. An attorney that has previously served as an  
15 attorney for a Member State Dental Board may be invited on a  
16 year-to-year basis to serve on the Attorneys' Committee if they  
17 have not engaged in an official case against a State Dental  
18 Board or have any no other conflict of interest. The Attorneys'  
19 Committee may assist the investigators in working through joint  
20 investigation issues between states;

21 (c) "Active-duty military person or spouse" means a Licensee  
22 in full-time active-duty status in the active uniformed services  
23 of the United States, including members of the National Guard  
24 and Reserves. The legal spouse of the military member must be  
25 recognized by the military unit as a dependent while the service  
26 member is on active duty. Spouses shall receive the same  
27 privileges as military members for the purpose of this Compact;

28 (d) "Active Investigation" means an active investigation  
29 resulting in formal allegations or charges precipitating a  
30 judicial process by a State Dental Board, oversight agency, or

1 other law enforcement entity;

2 (e) "Adverse Action" means an order issued by a State Dental  
3 Board or reported to the clearinghouse pursuant to the  
4 Commission's Bylaws and rules that disciplines a Licensee.  
5 Adverse Action includes, and is not limited to, the suspension,  
6 limiting, or revocation of a License or Compact License  
7 Privilege; the imposition of fees and sanctions; and any  
8 temporary emergency order that may be later withdrawn by a  
9 Board;

10 (f) "ADEX examination" means the initial licensure  
11 examinations developed by the American Board of Dental  
12 Examiners, Inc. or its successor;

13 (g) "Bylaws" means the bylaws passed by the Commission or  
14 its named successor commission;

15 (h) "Clearinghouse" means the clearinghouse and databank  
16 that houses prior Adverse Action documentations, orders and  
17 denials of licensure or permits from State Dental Boards that is  
18 administered by the AADB or its successor;

19 (i) "CODA" means the Commission on Dental Accreditation or  
20 its successor as approved by the United States Department of  
21 Education;

22 (j) "Commission" means the Interstate Dental and Dental  
23 Hygiene Compact Licensure Commission created pursuant to Section  
24 3 of this Act;

25 (k) "Commissioners" means the two (2) members chosen by each  
26 Member State Dental Board to serve as the voting members of the  
27 Commission;

28 (l) "Compact" means the Interstate Dental and Dental Hygiene  
29 Licensure Compact created pursuant to Section 3 of this Act;

30 (m) "Compact License Privilege" means the expedited dental

1 or dental hygiene license to practice in a Member State that is  
2 not the Licensee's Home State;

3 (n) "Conviction" means an adjudication or formal judgment by  
4 a court that an individual is guilty through a plea of guilty or  
5 no contest, or a finding of guilt by the court. Evidence of a  
6 conviction of a criminal offense by the court shall be  
7 considered final for the purposes of considering or imposing  
8 disciplinary action by a Member State Dental Board;

9 (o) "Criminal background check" means a criminal background  
10 check using the results of fingerprint or other biometric data  
11 checks compliant with the requirements of the Federal Bureau of  
12 Investigation, with the exception of federal employees who have  
13 suitability determination in accordance with 5 C.F.R. 731.202;

14 (p) "Dental hygienist" means any person who:

15 1. Has successfully graduated from a CODA-approved dental  
16 hygiene school;

17 2. Has successfully passed the ADEX dental hygiene licensure  
18 examination; or has been in practice 5 years or more and has  
19 successfully passed a Regional Board Examination or equivalent  
20 state-administered psychomotor licensure examination prior to  
21 January 1, 2024;

22 3. Has successfully passed the written national dental  
23 hygiene board examination administered by the Joint Commission  
24 on National Dental Examinations;

25 4. Possesses a full and unrestricted dental hygiene license  
26 issued by a Member State;

27 5. Has never been convicted or received adjudication,  
28 deferred adjudication, community supervision or deferred  
29 disposition for any offense by a court of appropriate  
30 jurisdiction;

1       6. Has never been a subject of discipline by a Licensing  
2 Agency through any Adverse Action, order, or other restriction  
3 of the Licensee by a Licensing Agency, with the exception of  
4 failure to pay fees or failure to complete continuing education;

5       7. Is not currently under Active Investigation by a  
6 Licensing Agency or law enforcement authority in any state,  
7 federal or foreign jurisdiction; and

8       8. Meets any jurisprudence requirement established by a  
9 Member State Dental Board of a Member State in which a Licensee  
10 is seeking a Compact License Privilege.

11       (q) "Dental Practice Act" means the laws and regulations  
12 governing the practice of dentistry within a Member State;

13       (r) "Dentist" means any person who:

14       1. Has successfully graduated from a CODA-approved dental  
15 school;

16       2. Has successfully passed the ADEX dental licensure exam;  
17 or has been in practice 5 years or more and has successfully  
18 passed a Regional Board Examination or equivalent state-  
19 administered psychomotor licensure examination prior to January  
20 1, 2024;

21       3. Has successfully passed the written National Dental Board  
22 Exam administered by the Joint Commission on National Dental  
23 Examinations;

24       4. Possesses a full and unrestricted dental license issued  
25 by a Member State Dental Board;

26       5. Has never been convicted or received adjudication,  
27 deferred adjudication, community supervision, or deferred  
28 disposition for any offense by a court of appropriate  
29 jurisdiction;

30       6. Has never been a subject of discipline by a Licensing

1 Agency through any Adverse Action, order, or other restriction  
2 of the Licensee by a Licensing Agency, with the exception of  
3 failure to pay fees or failure to complete continuing education;

4 7. Has never had a state or federal drug registration,  
5 permit, or license restricted, suspended, or revoked by the  
6 United States Drug Enforcement Administration or any Licensing  
7 Agency that oversees scheduled drug registrations;

8 8. Is not currently under Active Investigation by a  
9 Licensing Agency or law enforcement authority in any state,  
10 federal or foreign jurisdiction; and

11 9. Meets any jurisprudence requirement established by a  
12 Member State Dental Board in which a Licensee is seeking a  
13 Compact License Privilege;

14 (s) "Home State" means the state of primary licensure of a  
15 Licensee;

16 (t) "License" means the authorization by a Licensing  
17 Authority for a dentist or dental hygienist to engage in the  
18 unrestricted practice of dentistry or dental hygiene, which  
19 would be unlawful without such license;

20 (u) "Licensee" means a Dentist or Dental Hygienist who holds  
21 an unrestricted License to practice as a dentist or dental  
22 hygienist.

23 (v) "Licensing Agency" means the agency or other entity of a  
24 State that is responsible for the licensing of Dentists and  
25 Dental Hygienists. If a Member State Dental Board has such  
26 responsibility, it shall be deemed a Licensing Agency.

27 (w) "Member State Dental Board" means a state agency in a  
28 Member State that protects the public through licensure,  
29 regulation, and the education of dentist and dental hygienists,  
30 as directed by the state law. All actions taken by a Member

1 State Dental Board shall be under the authority of the laws its  
2 State and any other rights conferred under this Compact;

3 (x) "Member State" means a state or United States territory  
4 that has enacted the Compact;

5 (y) "Regional Board Examination" means initial licensure  
6 examinations administered by the Western Regional Examining  
7 Board (WREB), the North East Regional Board of Dental Examiners  
8 (NERB), the Commission on Dental Competency Assessments (CDCA),  
9 Council of Interstate Testing Agencies (CITA), Southern Regional  
10 Testing Agency (SRTA), or Central Regional Dental Testing  
11 Services (CRDTS) that assess psychomotor skills;

12 (z) "Repository" means the repository of original documents  
13 of a Licensee that may include original transcripts,  
14 certification documents, test scores, military training records,  
15 previous or current licensing documents and other sources of  
16 materials needed for applications and verification administered  
17 by the AADB or its successor. The Repository shall receive  
18 documents from primary or originating sources and/or verify  
19 their authenticity;

20 (aa) "Scope of practice" means the dental-related procedures  
21 that require a License, permit, or training, to undertake the  
22 treatment and procedure to be completed on a patient within the  
23 Member State's requirements;

24 (bb) "State" means a state within the United States or a  
25 United States Territory; and

26 (cc) "State jurisprudence" means the knowledge of a Member  
27 State's laws and rules of dentistry and dental hygiene.

### 28 Section 3. COMPACT AND COMMISSION

29 (a) The Member States hereby create the Interstate Dental  
30 and Dental Hygiene Licensure Compact and the Commission. Each



1 State must enact a compact that is not materially different from  
2 this Compact, as determined by the Commission.

3 (b) Each Member State Dental Board shall have two (2) voting  
4 members who shall serve as Commissioners. Each Commissioner  
5 shall have one (1) vote. Member States with separate dental and  
6 dental hygiene Licensing Agencies shall appoint one (1)  
7 Commissioner from each licensing agency. One Commissioner shall  
8 be a current member of a Member State Dental Board.  
9 Commissioners may not delegate votes or vote by proxy, however,  
10 if a Commissioner is unable to attend, the Member State may  
11 substitute a Commissioner who meets the same requirements.

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

15 (d) The Commission shall meet at least once per calendar  
16 year (the "Annual Meeting") and at additional times as necessary  
17 pursuant to the Bylaws and rules.

18 (e) At each Annual Meeting, the Commission shall elect a  
19 Chair, Vice Chair, Secretary, and Treasurer from the membership  
20 of the Commission (the "Officers.") The Officers shall be  
21 members of the Commission's Executive Committee (the "Executive  
22 Committee.") The Commission shall also elect representatives  
23 from four (4) regional districts established by the Commission  
24 to serve on the Executive Committee. All Officers and Executive  
25 Committee representatives shall serve one (1)-year terms.

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

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

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

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

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

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

10 (4) Discussions that would include information of a personal  
11 nature that would constitute an unwarranted invasion of personal  
12 privacy;

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

15 (6) Other items described in the Commission Bylaws allowing  
16 for executive sessions to be called; or

17 (7) Advice of Legal Counsel.

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

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

21 (k) The Commission shall prepare an annual report that shall  
22 be made available to the legislatures and governors of the  
23 Member States. The annual report shall describe the activities  
24 of the Commission during the preceding calendar year. Such  
25 reports shall also include reports of the annual financial audit  
26 and any actions taken by or rules that were adopted by the  
27 Commission.

28 Section 4. DUTIES OF COMPACT MEMBER STATES

29 (a) Member States shall submit to the Clearinghouse all  
30 Member State Dental Board actions and other documents and data

1 as determined by the Commission;

2 (b) Member States shall notify the Commission of any Adverse  
3 Action taken by the Member State Dental Board, any Active  
4 Investigation by the Member State Dental Board, any Active  
5 Investigation involving pending criminal charges, or other  
6 circumstance as determined by the Commission;

7 (c) Any Adverse Action, order, restriction or denial of a  
8 license or permit on a Licensee or Compact License Privilege  
9 holder shall be reported to the Clearinghouse by the Member  
10 State Dental Board;

11 (d) Member State Dental Boards may submit to the  
12 Clearinghouse nonpublic complaints, or disciplinary or  
13 investigatory information not required by Section 4(c). All  
14 investigatory material shall be considered confidential and not  
15 part of a public record unless otherwise specifically required  
16 by state statute;

17 (e) Accept continuing education credits as required by each  
18 state;

19 (f) Documents in the Repository shall be treated by a Member  
20 State as the equivalent of a primary or original source document  
21 for licensure;

22 (g) Member States shall accept a standardized application  
23 for a Compact License Privilege. The standardized application  
24 shall be established by the rules enacted by the Commission;

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

30 (i) As part of the Compact enforcement, participating Member

1 States may issue subpoenas and seek testimony of witnesses,  
2 which subpoenas shall be enforced in other Member States and  
3 enforced by a court of competent jurisdiction where the  
4 witnesses or evidence is located.

5 Section 5. POWERS AND DUTIES OF THE COMMISSION

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

7 (1) Oversee and maintain the administration of the Compact,  
8 including the organizational needs, the financial activities,  
9 the hiring of personnel and ongoing activities or needs of the  
10 Commission;

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

13 (3) Establish a budget and make expenditures;

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

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

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

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

26 (8) Establish personnel policies and programs relating to  
27 conflicts of interest, and the rates of compensation and  
28 qualifications of personnel;

29 (9) Accept donations and grants of money, equipment,  
30 supplies, materials and services, and to receive, utilize and

1 dispose of them in a manner consistent with the conflict-of-  
2 interest policies established by the Commission;

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

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

11 (b) The Executive Committee shall have the power to act on  
12 behalf of the Commission, with the exception of rulemaking,  
13 during periods when the Commission is not in session. When  
14 acting on behalf of the Commission, the Executive Committee  
15 shall oversee the administration of the Compact, including  
16 enforcement and compliance of the Compact.

17 (c) The officers and employees of the Commission shall be  
18 immune from suit and liability, either personally or in their  
19 official capacity, for a claim for damage to or loss of property  
20 or personal injury or other civil liability caused or arising  
21 out of, or relating to, an actual or alleged act, error or  
22 omission that occurred, or that such person had a reasonable  
23 basis for believing occurred, within the scope of Commission  
24 employment, duties or responsibilities; provided, that such  
25 person shall not be protected from suit or liability for damage,  
26 loss, injury or liability caused by the intentional or willful  
27 and wanton misconduct of such person.

28 (d) The liability of the executive director and employees of  
29 the Commission or representatives of the Commission, acting  
30 within the scope of such person's employment or duties for acts,

1 errors or omissions occurring within such person's state may not  
2 exceed the limits of liability set forth under the constitution  
3 and laws of that state for state officials, employees and  
4 agents. The Commission shall be considered to be an  
5 instrumentality of the states for the purposes of any such  
6 action. Nothing in this subsection shall be construed to protect  
7 such person from suit or liability for damage, loss, injury or  
8 liability caused by the intentional or willful and wanton  
9 misconduct of such person.

10 (e) The Commission shall defend the Commission's executive  
11 director, its employees, and, subject to the approval of the  
12 attorney general or other appropriate legal counsel of the  
13 Member State represented by an Commission representative, shall  
14 defend such Commission representative in any civil action  
15 seeking to impose liability arising out of an actual or alleged  
16 act, error or omission that occurred within the scope of  
17 Commission employment, duties or responsibilities, or that the  
18 defendant had a reasonable basis for believing occurred within  
19 the scope of Commission employment, duties or responsibilities,  
20 provided that the actual or alleged act, error or omission did  
21 not result from intentional or willful and wanton misconduct on  
22 the part of such person.

23 (f) To the extent not covered by the state involved, Member  
24 State, or the Commission, the representatives or employees of  
25 the Commission shall be held harmless in the amount of a  
26 settlement or judgment, including attorney fees and costs,  
27 obtained against such persons arising out of an actual or  
28 alleged act, error or omission that occurred within the scope of  
29 Commission employment, duties or responsibilities, or that such  
30 persons had a reasonable basis for believing occurred within the

1 scope of Commission employment, duties or responsibilities,  
2 provided that the actual or alleged act, error or omission did  
3 not result from intentional or willful and wanton misconduct on  
4 the part of such persons.

5 Section 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT  
6 LICENSE PRIVILEGE TO A MEMBER STATE.

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

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

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

20 (2) If no State qualifies under Section 6(b)(1), then the  
21 State where the Dentist or Dental Hygienist filed the previous  
22 year's federal tax return.

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

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

30 (e) The Home State Dental Board shall determine the

1 eligibility of an application for a Compact License Privilege  
2 and shall issue a letter of approval or denial of the  
3 application for a Compact License Privilege.

4 (f) The letter from the Applicant's Home State Dental Board  
5 approving the application shall be submitted to the Member State  
6 Dental Board for the Member State in which the Applicant  
7 proposes to practice, and shall include: (i) the Compact  
8 application packet; (ii) authorization to seek access to the  
9 Applicant's Repository documents; (iii) any additional  
10 information that may be required by the proposed Compact License  
11 Privilege state; and (iv) any required fees. The Member State  
12 Dental Board shall review the application to confirm compliance  
13 with the Member State's laws and regulations. Following such  
14 review, if the Member State Dental Board approves the  
15 application, it shall issue a Compact License Privilege from the  
16 proposed Member State to the Applicant.

17 (g) Appeals of a denial of a Compact License Privilege  
18 application shall be filed with the Member State Dental Board  
19 making such determination, and shall be filed within thirty (30)  
20 days of the date of the denial.

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

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

29 (j) The Commission shall issue rules on the duration of a  
30 Compact License Privilege, the application and renewal process



1 for a Compact License Privilege, and any application fees.

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

6 Section 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

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

11 (b) Each Licensee holding a Compact License Privilege shall  
12 be subject to the jurisdiction and authority of the Member State  
13 Dental Board of the state in which such Licensee practices, as  
14 if they held a license issued from such Member State Dental  
15 Board. Such Compact License Privilege holder shall be deemed a  
16 "Licensee" of the Member State Dental Board for purposes of such  
17 board taking an Adverse Action.

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

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

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

25 (2) The Licensee's Home State; or

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

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

1 (f) Any Member State in which the Compact Licensee holds a  
2 Compact License Privilege may investigate an allegation of a  
3 violation of the laws and rules of the practice of dentistry or  
4 dental hygiene in any other State where the Compact Licensee  
5 holds a Compact License Privilege.

6 Section 8. FEES AND MILITARY WAIVER

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

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

13 (c) No Compact fee shall be required of any active-duty  
14 military member and/or their spouse up to one (1) year after  
15 separation. Each Member State issuing a Compact License  
16 Privilege may waive fees for active-duty military and/or their  
17 spouse as required by each individual state statute.

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

20 Section 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

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

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

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

29 (d) A subpoena issued by a Member State or Member State  
30 Dental Board shall be enforceable in other Member States as

1 allowed by law.

2 (e) If a Compact License Privilege holder has an Adverse  
3 Action taken by any Member State Dental Board against the  
4 Compact License Privilege holder, the Compact License Privilege  
5 holder shall automatically be subject to discipline by other  
6 Member State Dental Boards.

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

15 (g) If discipline or an Adverse Action is taken against a  
16 Compact License Privilege holder in a Member State, the Member  
17 State Board shall notify the Commission and the Home State of  
18 the Compact License Privilege holder. The Home State may deem  
19 the action conclusive as a matter of law and fact decided and  
20 may:

21 (1) Impose the same or lesser sanction consistent with the  
22 Home State's laws; or

23 (2) Pursue separate actions against the Compact License  
24 Privilege holder under its laws, regardless of the sanctions  
25 pursued by the Member State Dental Board.

26 Section 10. OTHER REQUESTS FOR INFORMATION FROM THE REPOSITORY  
27 AND THE CLEARINGHOUSE

28 (a) Insurance companies and entities verifying documents for  
29 the purpose of licenses extended to a Dentist or Dental  
30 Hygienist may seek information from the Clearinghouse for public

1 record documents;

2 (b) A Dentist or Dental Hygienist may submit a request to  
3 the Commission to allow any hiring employer, entity, or  
4 insurance company to access documents from the Repository for  
5 the purposes of credentialing, licensing or other privileges;

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

#### 8 Section 11. RULEMAKING FUNCTIONS OF THE COMMISSION

9 (a) The Commission shall promulgate reasonable rules in  
10 order to effectively and efficiently implement and achieve the  
11 purposes and administration of the Compact. Notwithstanding the  
12 foregoing, in the event the Commission exercises its rulemaking  
13 authority in a manner that is beyond the scope of the purposes  
14 of the Compact or the powers granted hereunder, then such an  
15 action by the Commission may be determined to be invalid and  
16 have no force or effect.

17 (b) Rules issued by the Commission shall have the force of  
18 law in each Member State.

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

#### 23 Section 12. OVERSIGHT OF THE COMPACT

24 (a) The executive, legislative, and judicial branches of  
25 state government in each Member State shall enforce the Compact  
26 and shall take all actions necessary and appropriate to  
27 effectuate the Compact's purposes and intent to allow for  
28 expedited licensure for the purpose of mobility. The provisions  
29 of the Compact and the rules promulgated hereunder shall have  
30 standing as statutory law but shall not override existing state

1 authority to regulate the practice of dentistry and dental  
2 hygiene.

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

8 (c) The Commission shall be entitled to receive all service  
9 of process in any such proceeding and shall have standing to  
10 intervene in the proceeding for all purposes. Failure to provide  
11 service of process to the Commission shall render a judgment or  
12 order void as to the Commission, the Compact or promulgated  
13 rules.

14 Section 13. ENFORCEMENT AND DEFAULT PROCEDURES

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

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

23 (c) If the Commission determines that a Member State has  
24 defaulted in the performance of its obligations or  
25 responsibilities under the Compact, or the Bylaws or promulgated  
26 rules, the Commission shall:

27 (1) provide written notice to the defaulting state and other  
28 Member States of the nature of the default, the means of curing  
29 the default and any action taken by the Commission. The  
30 Commission shall specify the conditions by which the defaulting

1 state must cure its default; and

2 (2) provide remedial training and specific technical  
3 assistance regarding the default.

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

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

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

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

25 (h) The defaulting state may appeal the action of the  
26 Commission by petitioning the federal district where the  
27 Commission has its principal offices. The prevailing party shall  
28 be awarded all costs of such litigation, including reasonable  
29 attorney fees.

30 (i) The Commission shall not bear any costs relating to any

1 state that has been found to be in default or which has been  
2 terminated from the Compact, unless otherwise mutually agreed  
3 upon in writing between the Commission and the defaulting state.

4 (j) The remedies herein shall not be the exclusive remedies  
5 of the Commission. The Commission may avail itself of any other  
6 remedies available under state law or the regulation of a  
7 profession.

8 Section 14. DISPUTE RESOLUTION

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

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

15 Section 15. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

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

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

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

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

1 the Member States.

2 Section 16. WITHDRAWAL

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

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

11 (c) The withdrawing State shall immediately notify the  
12 chairperson of the Commission in writing upon the introduction  
13 of legislation repealing the Compact by the withdrawing state.

14 (d) The Commission shall notify the other Member States of  
15 the withdrawing State's intention to withdraw within sixty (60)  
16 days of its receipt of notice provided under Section 16(c) of  
17 this section.

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

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

25 Section 17. DISSOLUTION

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

29 (b) Upon the dissolution of the Compact, the Compact shall  
30 become null and void and shall be of no further force or effect,



1 and the business and affairs of the Commission shall be  
2 concluded and surplus funds shall be distributed in accordance  
3 with the Bylaws.

4 Section 18. SEVERABILITY AND CONSTRUCTION

5 (a) The provisions of the Compact shall be severable, and if  
6 any phrase, clause, sentence or provision is deemed  
7 unenforceable, the remaining provisions of the Compact shall be  
8 enforceable.

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

11 Section 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

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

17 (c) All agreements between the Commission and the Member  
18 States shall bear binding in accordance with their terms.

19 (d) In the event any provision of the Compact exceeds the  
20 constitutional limits imposed on the legislature of any Member  
21 State, such provision shall be ineffective to the extent of the  
22 conflict with the constitutional provision in question in that  
23 Member State.

24 Section 20. RULES OF ORDER

25 The most current edition of the American Institute of  
26 Parliamentarians Standard Code of Parliamentary Procedure shall  
27 apply to all meetings of the Commission, including its  
28 committees, in those situations not otherwise covered in the  
29 Bylaws.

30 Section 3. Operation.

1 (a) General rule.--When the Governor executes the compact on  
2 behalf of the Commonwealth and files a verified copy thereof  
3 with the Secretary of the Commonwealth and when the compact is  
4 ratified by one or more other states, the compact shall become  
5 operative and effective between the Commonwealth and such other  
6 state or states. The Governor is hereby authorized and directed  
7 to take such action as may be necessary to complete the exchange  
8 of official documents between the Commonwealth and any other  
9 state ratifying the compact.

10 (b) Notice in Pennsylvania Bulletin.--The Secretary of the  
11 Commonwealth shall transmit a notice to the Legislative  
12 Reference Bureau for publication in the next available issue of  
13 the Pennsylvania Bulletin when the conditions specified in  
14 subsection (a) are satisfied and shall include in the notice the  
15 date on which the compact became effective and operative between  
16 the Commonwealth and any other state or states in accordance  
17 with this act.

18 Section 4. Compensation and expenses of compact administrator.

19 The commissioners who represent the Commonwealth, as provided  
20 for in the compact, shall not be entitled to any additional  
21 compensation for the duties and responsibilities as commissioner  
22 but shall be entitled to reimbursement for reasonable expenses  
23 actually incurred in connection with the duties and  
24 responsibilities as commissioner in the same manner as for  
25 expenses incurred in connection with other duties and  
26 responsibilities of the office or employment.

27 Section 5. Effective date.

28 This act shall take effect in 60 days.