

2025 Regular Session

HOUSE BILL NO. 543

BY REPRESENTATIVE MCMAHEN

AN ACT

To amend and reenact R.S. 44:4.1(B)(24) and to enact R.S. 37:799, relative to the Interstate Dental and Dental Hygiene Licensure Compact; to enact the Interstate Dental and Dental Hygiene Licensure Compact into law and to cause this state to enter into the compact; to provide for definitions; to create the Interstate Dental and Dental Hygiene Licensure Compact and Commission; to provide for the duties of the compact member states; to provide for the powers and duties of the commission; to provide for compact license privilege to member states; to provide for fees and military waivers; to provide for joint investigations and disciplinary actions; to provide for rulemaking functions of the commission; to provide for enforcement, default procedures, and dispute resolution; to provide for withdrawal from and dissolution of the compact; to provide for severability; to provide for exceptions to public records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:799 is hereby enacted to read as follows:

§799. Interstate Dental and Dental Hygiene Licensure Compact; adoption

The Interstate Dental and Dental Hygiene Licensure Compact is hereby enacted into law and the governor shall enter into a compact on behalf of the state with any jurisdiction legally joined therein, in the form substantially as follows:

SECTION 1. PURPOSE

This compact shall be known as the Interstate Dental and Dental Hygiene Licensure Compact and the purpose of the compact is to expedite licensure and increase access to dental healthcare through licensure boards acting in cooperation. The compact adopts the existing structures most utilized by dental boards across the United States, while ensuring the safety of the public through the sharing of documents and information. This compact ensures that each state retains the right

1 to impose an adverse action on a licensee as a home state or as a practicing state.
2 Each state has an opportunity to share investigations and information with the home
3 state of licensure. The compact is operated by state dental board members,
4 administrators, and other staff, thus allowing for each state to maintain its
5 sovereignty.

6 The compact does all of the following:

7 (1) Allows for expedited licensure portability and ease of movement of
8 licensees between states.

9 (2) Allows each state to continue to regulate the practice of dentistry and
10 dental hygiene within its borders.

11 (3) Creates a common goal of protecting the public by ensuring a uniform
12 licensure standard and sharing of information in the compact.

13 (4) Allows for licensure in every participating state by requiring passage of
14 the uniform licensure examination that assesses psychomotor and cognitive dental
15 skills and is currently accepted in fifty state licensing jurisdictions and United States
16 territories.

17 (5) Gives licensees one location to maintain professional documentation to
18 expedite license transfers in states, hospitals, or institutional credentialing.

19 (6) Facilitates a faster licensure process for relocation or separation of
20 military members and their dependent spouses; there are no compact fees for military
21 members or their spouses.

22 (7) Alleviates a duplicative process for licensure among multiple states.

23 (8) Saves applicants money by not having to obtain duplicate documents
24 from a source that charges for the documents.

25 SECTION 2. DEFINITIONS

26 (1) "AADB" means the American Association of Dental Boards or its named
27 successor, formerly known as the American Association of Dental Examiners,
28 originally chartered on September 10th, 1896, and renewed in 1944, comprised of
29 state dental boards in the United States and its territories.

1 (2) "Attorneys' Committee" means the committee of attorneys who currently
2 represent a member state dental board. The Attorneys' Committee shall designate
3 one of its members to participate in the commission as a non-voting member. An
4 attorney who has previously served as an attorney for a member state dental board
5 may be invited on a year-to-year basis to serve on the Attorneys' Committee if he has
6 not engaged in an official case against a state dental board or has any other conflict
7 of interest. The Attorneys' Committee may assist the investigators in working
8 through joint investigation issues between states.

9 (3) "Active-duty military person or spouse" means a licensee in full-time
10 active-duty status in the active uniformed services of the United States, including
11 members of the National Guard and Reserves. The legal spouse of the military
12 member shall be recognized by the military unit as a dependent while the service
13 member is on active duty. Spouses shall receive the same privileges as military
14 members for the purpose of this compact.

15 (4) "Active investigation" means an active investigation potentially resulting
16 in formal allegations or charges precipitating a judicial process by a state dental
17 board, oversight agency, or other law enforcement entity.

18 (5) "Adverse action" means an order issued by a state dental board or
19 reported to the clearinghouse pursuant to the commission's bylaws and rules that
20 disciplines a licensee. Adverse action includes and is not limited to the suspension,
21 limiting, or revocation of a license or compact license privilege; the imposition of
22 fees and sanctions; and any temporary emergency order that may be later withdrawn
23 by a board.

24 (6) "ADEX examination" means the initial licensure examinations developed
25 by the American Board of Dental Examiners, Inc. or its successor.

26 (7) "Bylaws" means the bylaws passed by the commission or its named
27 successor commission.

28 (8) "Clearinghouse" means the clearinghouse and databank that houses prior
29 Adverse Action documentation, orders, and denials of licensure or permits from state
30 dental boards that is administered by the AADB or its successor.

1 (9) "CODA" means the Commission on Dental Accreditation or its successor
2 as approved by the United States Department of Education.

3 (10) "Commission" means the Interstate Dental and Dental Hygiene
4 Compact Licensure Commission created pursuant to Section 3 of this compact.

5 (11) "Commissioners" means the two members chosen by each member state
6 dental board to serve as the voting members of the commission.

7 (12) "Compact" means the Interstate Dental and Dental Hygiene Licensure
8 Compact created pursuant to Section 3 of this compact.

9 (13) "Compact license privilege" means the expedited dental or dental
10 hygiene license to practice in a member state that is not the licensee's home state.

11 (14) "Conviction" means an adjudication or formal judgment by a court that
12 an individual is guilty through a plea of guilty or no contest, or a finding of guilt by
13 the court. Evidence of a conviction of a criminal offense by the court shall be
14 considered final for the purposes of considering or imposing disciplinary action by
15 a member state dental board.

16 (15) "Criminal background check" means a criminal background check using
17 the results of fingerprint or other biometric data checks compliant with the
18 requirements of the Federal Bureau of Investigation, with the exception of federal
19 employees who have a suitability determination in accordance with 5 CFR 731.202.

20 (16) "Dental hygienist" means any person who meets the following criteria:

21 (a) Has successfully graduated from a CODA-approved dental hygiene
22 school.

23 (b) Has successfully passed the ADEX dental hygiene licensure examination;
24 or has been in practice five years or more and has successfully passed a regional
25 board examination or equivalent state-administered psychomotor licensure
26 examination prior to January 1, 2024.

27 (c) Has successfully passed the written national dental hygiene board
28 examination administered by the Joint Commission on National Dental
29 Examinations.

1 (d) Possesses a full and unrestricted dental hygiene license issued by a
2 member state.

3 (e) Has never been convicted or received adjudication, deferred adjudication,
4 community supervision, or deferred disposition for any offense, other than traffic
5 offenses, by a court of appropriate jurisdiction.

6 (f) Has never been a subject of discipline by a licensing agency through any
7 adverse action, order, or other restriction of the licensee by a licensing agency, with
8 the exception of failure to pay fees or failure to complete continuing education.

9 (g) Is not currently under active investigation by a licensing agency or law
10 enforcement authority in any state, federal, or foreign jurisdiction.

11 (h) Meets any jurisprudence requirement established by a member state
12 dental board of a member state in which a licensee is seeking a compact license
13 privilege.

14 (17) "Dental Practice Act" means the laws and regulations governing the
15 practice of dentistry within a member state.

16 (18) "Dentist" means any person who meets all of the following criteria:

17 (a) Has successfully graduated from a CODA-approved dental school.

18 (b) Has successfully passed the ADEX dental licensure exam; or has been
19 in practice five years or more and has successfully passed a regional board
20 examination or equivalent state-administered psychomotor licensure examination
21 prior to January 1, 2024.

22 (c) Has successfully passed the written National Dental Board Exam
23 administered by the Joint Commission on National Dental Examinations.

24 (d) Possesses a full and unrestricted dental license issued by a member state
25 dental board.

26 (e) Has never been convicted or received adjudication, deferred adjudication,
27 community supervision, or deferred disposition for any offense, other than traffic
28 offenses, by a court of appropriate jurisdiction.

1 (f) Has never been a subject of discipline by a licensing agency through any
2 adverse action, order, or other restriction of the licensee by a licensing agency, with
3 the exception of failure to pay fees or failure to complete continuing education.

4 (g) Has never had a state or federal drug registration, permit, or license
5 restricted, suspended, or revoked by the United States Drug Enforcement
6 Administration or any licensing agency that oversees scheduled drug registrations.

7 (h) Is not currently under active investigation by a licensing agency or law
8 enforcement authority in any state, federal, or foreign jurisdiction.

9 (i) Meets any jurisprudence requirement established by a member state
10 dental board in which a licensee is seeking a compact license privilege.

11 (19) "Home state" means the state of primary licensure of a licensee.

12 (20) "License" means the authorization by a licensing authority for a dentist
13 or dental hygienist to engage in the unrestricted practice of dentistry or dental
14 hygiene, which would be unlawful without such license.

15 (21) "Licensee" means a dentist or dental hygienist who holds an unrestricted
16 license to practice as a dentist or dental hygienist.

17 (22) "Licensing agency" means the agency or other entity of a state that is
18 responsible for the licensing of dentists and dental hygienists. If a member state
19 dental board has such responsibility, it shall be deemed a licensing agency.

20 (23) "Member state dental board" means a state agency in a member state
21 that protects the public through licensure, regulation, and the education of dentists
22 and dental hygienists, as directed by the state law. All actions taken by a member
23 state dental board shall be under the authority of the laws of its state and any other
24 rights conferred under this compact.

25 (24) "Member state" means a state, the District of Colombia, or any other
26 United States territory that has enacted this compact.

27 (25) "Regional board examination" means initial licensure examinations
28 administered by the Western Regional Examining Board (WREB), the North East
29 Regional Board of Dental Examiners (NERB), the Commission on Dental
30 Competency Assessments (CDCA), Council of Interstate Testing Agencies (CITA),

1 Southern Regional Testing Agency (SRTA), or Central Regional Dental Testing
2 Services (CRDTS) that assess psychomotor skills.

3 (26) "Repository" means the repository of original documents of a licensee
4 that may include original transcripts, certification documents, test scores, military
5 training records, previous or current licensing documents, and other sources of
6 materials needed for applications and verification administered by the AADB or its
7 successor. The repository shall receive documents from primary or originating
8 sources or verify their authenticity.

9 (27) "Scope of practice" means the dental-related procedures that require a
10 license, permit, or training to undertake the treatment and procedure to be completed
11 on a patient within the member state's requirements.

12 (28) "State" means a state within the United States of America or a United
13 States territory.

14 (29) "State jurisprudence" means the knowledge of a member state's laws
15 and rules of dentistry and dental hygiene.

16 SECTION 3. COMPACT AND COMMISSION

17 A. The member states hereby create the Interstate Dental and Dental
18 Hygiene Licensure Compact and the commission. Each member state shall enact a
19 compact that is not materially different from this compact, as determined by the
20 commission.

21 B. Each member state dental board shall have two voting members who shall
22 serve as commissioners. Each commissioner shall have one vote. Member states
23 with separate dental and dental hygiene licensing agencies shall appoint one
24 commissioner from each licensing agency. One commissioner shall be a current
25 member of a member state dental board. Commissioners may not delegate votes or
26 vote by proxy, however, if a commissioner is unable to attend, the member state may
27 substitute a commissioner who meets the same requirements.

28 C. Upon five states joining the compact, the compact shall become active.
29 The commission shall adopt bylaws upon becoming active.

1 D. The commission shall meet at least once per calendar year, in an annual
2 meeting, and at additional times as necessary pursuant to the bylaws and rules.

3 E. At each annual meeting, the commission shall elect a chair, vice chair,
4 secretary, and treasurer from the membership of the commission. The officers shall
5 be members of the commission's executive committee. The commission shall also
6 elect representatives from four regional districts established by the commission to
7 serve on the executive committee. All officers and executive committee
8 representatives shall serve one-year terms.

9 F. Quorum for purposes of conducting business shall be a majority of
10 commissioners attending in person or virtually.

11 G. The commission shall provide notice of all meetings on its website and
12 in other communications to member state dental boards.

13 H. A vote of two-thirds of the commissioners present shall be required for
14 an executive session to discuss any of the following:

15 (1) Items specifically related to participation in a lawsuit or in anticipation
16 of a legal proceeding.

17 (2) Matters specifically exempted from disclosure by federal statute.

18 (3) Information or matters involving law enforcement agencies or
19 information that accuses a person of a crime or a public censure.

20 (4) Discussions that would include information of a personal nature that
21 would constitute an unwarranted invasion of personal privacy.

22 (5) Anything considered internal practices and procedures or a trade secret.

23 (6) Other items described in the commission bylaws allowing for executive
24 sessions to be called.

25 (7) Advice of legal counsel.

26 I. The commission shall keep minutes and make them available to all
27 member states.

28 J. The commission may establish other committees as needed.

29 K. The commission shall prepare an annual report that shall be made
30 available to the legislatures and governors of the member states. The annual report

1 shall describe the activities of the commission during the preceding calendar year.
2 Such reports shall also include reports of the annual financial audit and any actions
3 taken by or rules that were adopted by the commission.

4 SECTION 4. DUTIES OF COMPACT MEMBER STATES

5 A. Member states shall submit to the clearinghouse all member state dental
6 board actions and other documents and data as determined by the commission.

7 B. Member states shall notify the commission of any adverse action taken
8 by the member state dental board, any active investigation by the member state
9 dental board, any active investigation involving pending criminal charges, or other
10 circumstance as determined by the commission.

11 C. Any adverse action, order, restriction, or denial of a license or permit on
12 a licensee or compact license privilege holder shall be reported to the clearinghouse
13 by the member state dental board.

14 D. Member state dental boards may submit to the clearinghouse nonpublic
15 complaints or disciplinary or investigatory information not required by Section 4(C)
16 of this compact. All investigatory material shall be considered confidential and not
17 part of a public record unless otherwise specifically required by state statute.

18 E. Members states shall accept continuing education credits as required or
19 recognized by any other member state.

20 F. Documents in the repository shall be treated by a member state as the
21 equivalent of a primary or original source document for licensure.

22 G. Member states shall accept a standardized application for a compact
23 license privilege. The standardized application shall be established by the rules
24 enacted by the commission.

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

29 I. As part of the compact enforcement, participating member states may issue
30 subpoenas and seek testimony of witnesses, which subpoenas shall be enforced in

1 other member states and enforced by a court of competent jurisdiction where the
2 witnesses or evidence is located.

3 SECTION 5. POWERS AND DUTIES OF THE COMMISSION

4 A. The commission shall have the duty and power to do all of the following:

5 (1) Oversee and maintain the administration of the compact including the
6 organizational needs, the financial activities, the hiring of personnel, and ongoing
7 activities or needs of the commission.

8 (2) Promulgate bylaws and rules to operate the compact and the commission.

9 (3) Establish a budget and make expenditures.

10 (4) Have an annual financial audit performed by an independent certified
11 public accounting firm.

12 (5) Issue, upon the request of a member state dental board, advisory opinions
13 concerning the meaning or interpretation of the compact and its bylaws, rules, and
14 actions.

15 (6) Enforce compliance with compact provisions, the rules promulgated by
16 the commission, and the bylaws, using all necessary and proper means, including but
17 not limited to the use of the judicial process.

18 (7) Hold an annual meeting for the commission where the elections of the
19 executive committee and other issues may be discussed and voted on.

20 (8) Establish personnel policies and programs relating to conflicts of interest,
21 the rates of compensation, and qualifications of personnel.

22 (9) Accept donations and grants of money, equipment, supplies, materials,
23 and services, and to receive, utilize, and dispose of them in a manner consistent with
24 the conflict-of-interest policies established by the commission.

25 (10) Report annually to the legislatures and governors of the member state
26 dental boards concerning the activities of the commission during the preceding
27 calendar year. Such reports shall also include reports of annual financial audits, all
28 actions of the commission, rules adopted by the commission, and any
29 recommendations by the commission.

1 (11) Coordinate education, training, and public awareness regarding the
2 compact, its implementation, and its operation.

3 B. The executive committee shall have the power to act on behalf of the
4 commission, with the exception of rulemaking, during periods when the commission
5 is not in session. When acting on behalf of the commission, the executive committee
6 shall oversee the administration of the compact, including enforcement of and
7 compliance with the compact.

8 C. The officers and employees of the commission shall be immune from suit
9 and liability, either personally or in their official capacity, for a claim for damage to
10 or loss of property or personal injury or other civil liability caused or arising out of,
11 or relating to, an actual or alleged act, error or omission that occurred, or that such
12 person had a reasonable basis for believing occurred, within the scope of commission
13 employment, duties, or responsibilities; provided that such person shall not be
14 protected from suit or liability for damage, loss, injury, or liability caused by the
15 intentional or willful and wanton misconduct of such person.

16 D. The liability of the executive director and employees of the commission
17 or representatives of the commission, acting within the scope of such person's
18 employment or duties, for acts, errors, or omissions occurring within such person's
19 state may not exceed the limits of liability set forth under the constitution and laws
20 of that state for state officials, employees, and agents. The commission shall be
21 considered to be an instrumentality of the states for the purposes of any such action.
22 Nothing in this Subsection shall be construed to protect such person from suit or
23 liability for damage, loss, injury, or liability caused by the intentional or willful and
24 wanton misconduct of such person.

25 E. The commission shall defend the commission's executive director, its
26 employees, and, subject to the approval of the attorney general or other appropriate
27 legal counsel of the member state represented by a commission representative, shall
28 defend such commission representative in any civil action seeking to impose liability
29 arising out of an actual or alleged act, error, or omission that occurred within the
30 scope of commission employment, duties, or responsibilities, or that the defendant

1 had a reasonable basis for believing occurred within the scope of commission
2 employment, duties, or responsibilities, provided that the actual or alleged act, error,
3 or omission did not result from intentional or willful and wanton misconduct on the
4 part of such person.

5 F. To the extent not covered by the state involved, member state, or the
6 commission, the representatives or employees of the commission shall be held
7 harmless by the commission in the amount of a settlement or judgment, including
8 attorney fees and costs, obtained against such persons arising out of an actual or
9 alleged act, error, or omission that occurred within the scope of commission
10 employment, duties, or responsibilities, or that such persons had a reasonable basis
11 for believing occurred within the scope of commission employment, duties, or
12 responsibilities, provided that the actual or alleged act, error, or omission did not
13 result from intentional or willful and wanton misconduct on the part of such persons.

14 SECTION 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT

15 LICENSE PRIVILEGE TO A MEMBER STATE

16 A. A dentist or dental hygienist applying for compact license privileges shall
17 meet the requirements of a dentist as listed in Section (2)(18) of this compact or a
18 dental hygienist as listed in Section (2)(16) of this compact and hold a current license
19 in a member state in accordance with this compact.

20 B. Each dentist or dental hygienist shall designate a home state of licensure.
21 The home state shall be determined by either of the following:

22 (1) The state of primary residence for the dentist or dental hygienist, where
23 twenty-five percent of his practice within one year occurs. An active-duty military
24 member or his spouse may choose a home state as designated with the military but
25 is not required to meet the requirement of twenty-five percent practice being within
26 his home state.

27 (2) If no state qualifies pursuant to Paragraph (1) of this Subsection, then the
28 state that the dentist or dental hygienist listed as his state of residence on the previous
29 year's federal tax return.

1 C. A dentist or dental hygienist may redesignate a home state no more than
2 one time in a calendar year if the qualifications of a home state are met.

3 D. A dentist or dental hygienist seeking a compact license privilege shall
4 apply to his home state dental board for a letter stating that the applicant is eligible
5 for compact license privileges.

6 E. The home state dental board shall determine the eligibility of an
7 application for a compact license privilege and shall issue a letter of approval or
8 denial of the application for a compact license privilege.

9 F.(1) The letter from the applicant's home state dental board approving the
10 application shall be submitted to the member state dental board for the member state
11 in which the applicant proposes to practice and shall include all of the following:

12 (a) The compact application packet.

13 (b) Authorization to seek access to the applicant's repository documents.

14 (c) Any additional information that may be required by the proposed
15 compact license privilege state.

16 (d) Any required fees.

17 (2) The member state dental board shall review the application to confirm
18 compliance with the member state's laws and regulations. Following such review,
19 if the member state dental board approves the application, it shall issue a compact
20 license privilege from the proposed member state to the applicant.

21 G. Appeals of a denial of a compact license privilege application shall be
22 filed with the member state dental board making such determination and shall be
23 filed within thirty days of the date of the denial.

24 H. A licensee holding a compact license privilege shall notify the
25 commission within ten business days of any adverse action taken against a license
26 held in a state that is not a member state.

27 I. A compact license privilege may be revoked, suspended, or limited by the
28 issuing member state dental board if at any time the licensee's home state license is
29 revoked, suspended, or limited.

1 J. The commission shall issue rules on the duration of a compact license
2 privilege, the application and renewal process for a compact license privilege, and
3 any application fees.

4 K. Eligibility or ineligibility to receive a compact license privilege shall not
5 limit the ability of a licensee to seek a state license through the regular process
6 outside of the compact.

7 SECTION 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

8 A. Each licensee holding a compact license privilege shall be subject to and
9 comply with the laws and regulations of the member state in which the licensee
10 practices under a compact license privilege.

11 B. Each licensee holding a compact license privilege shall be subject to the
12 jurisdiction and authority of the member state dental board of the state in which the
13 licensee practices as if he held a license issued from such member state dental board.
14 Such compact license privilege holder shall be deemed a "licensee" of the member
15 state dental board for purposes of such board taking an adverse action.

16 C. Each licensee holding a compact license privilege shall list a current
17 address with the commission that shall serve as his official address of service.

18 D. A licensee holding a compact license privilege may have an adverse
19 action taken against him by any of the following:

20 (1) The member state dental board of the member state in which he is
21 practicing with a compact license privilege.

22 (2) The licensee's home state.

23 (3) The state licensing authority of a state that is not a member state from
24 which the licensee holds a license.

25 E. A home state may take an adverse action against the holder of a compact
26 license privilege, regardless of where the actions giving rise to the adverse action
27 occurred.

28 F. Any member state in which the compact licensee holds a compact license
29 privilege may investigate an allegation of a violation of the laws and rules of the

1 practice of dentistry or dental hygiene in any other state where the compact licensee
2 holds a compact license privilege.

3 SECTION 8. FEES AND MILITARY WAIVER

4 A. The commission shall issue rules regarding the use of the repository by
5 each holder of a compact license privilege.

6 B. A member state dental board issuing a compact license privilege
7 authorizing practice in its state may impose a fee for a compact license privilege for
8 either initial issuance or any renewal.

9 C. No compact fee shall be required of any active-duty military member or
10 his spouse up to one year after separation from the service. Each member state
11 issuing a compact license privilege may waive fees for active-duty military or his
12 spouse as required by each individual state statute.

13 D. Active-duty military may transfer military training records to the
14 repository without a fee.

15 SECTION 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

16 A. Each member state shall name a point of contact for joint investigations
17 between member state dental boards.

18 B. Member state dental boards may participate with other member state
19 dental boards in joint investigations of licensees that are subject to this compact.

20 C. Member state dental boards may share investigative, litigation, or other
21 materials in furtherance of any joint or individual investigation of a compact license
22 privilege holder.

23 D. A subpoena issued by a member state or member state dental board shall
24 be enforceable in other member states as allowed by law.

25 E. If a compact license privilege holder has an adverse action taken against
26 him by any member state dental board, the compact license privilege holder, licensee
27 shall automatically be subject to similar discipline by other member state dental
28 boards.

29 F. If a compact license privilege holder has an adverse action taken against
30 his home state license, including being revoked, surrendered, relinquished in lieu of

1 discipline, or suspended, then automatically all other compact license privileges shall
2 be placed in the same status. The home state dental board shall notify the
3 commission and the commission shall issue a notice to all member state dental
4 boards of such adverse action.

5 G. If discipline or an adverse action is taken against a compact license
6 privilege holder in a member state, the member state board shall notify the
7 commission and the home state of the compact license privilege holder. The home
8 state may deem the action conclusive as a matter of law and fact and may do either
9 of the following:

10 (1) Impose the same or lesser sanction consistent with the home state's laws.

11 (2) Pursue separate actions against the compact license privilege holder
12 under its laws, regardless of the sanctions pursued by the member state dental board.

13 SECTION 10. OTHER REQUESTS FOR INFORMATION FROM THE REPOSITORY
14 AND THE CLEARINGHOUSE

15 A. Insurance companies and entities verifying documents for the purpose of
16 licenses extended to a dentist or dental hygienist may seek information from the
17 clearinghouse for public record documents.

18 B. A dentist or dental hygienist may submit a request to the commission to
19 allow any hiring employer, entity, or insurance company to access documents from
20 the repository for the purposes of credentialing, licensing, or other privileges.

21 C. The commission shall set a fee schedule for these services.

22 SECTION 11. RULEMAKING FUNCTIONS OF THE COMMISSION

23 A. The commission shall promulgate reasonable rules in order to effectively
24 and efficiently implement and achieve the purposes and administration of the
25 compact. Notwithstanding the foregoing, in the event the commission exercises its
26 rulemaking authority in a manner that is beyond the scope of the purposes of the
27 compact or the powers granted to it, then such an action by the commission may be
28 determined to be invalid and have no force or effect.

29 B. Rules validly issued by the commission shall have the force of law in each
30 member state.

1 C. Rules deemed appropriate for the operations of the commission shall be
2 made pursuant to a rulemaking process that substantially conforms to the Model
3 State Administrative Procedure Act of 2010, and subsequent amendments thereto.

4 SECTION 12. OVERSIGHT OF THE COMPACT

5 A. The executive, legislative, and judicial branches of state government in
6 each member state shall enforce the compact and shall take all actions necessary and
7 appropriate to effectuate the compact's purposes and intent to allow for expedited
8 licensure for the purpose of mobility. The provisions of the compact and the rules
9 promulgated hereunder shall have standing as statutory law but shall not override
10 existing state authority to regulate the practice of dentistry and dental hygiene.

11 B. All courts may take judicial notice of the compact and the rules in any
12 judicial or administrative proceeding in a member state pertaining to the subject
13 matter of the compact which may affect the powers, responsibilities, or actions of the
14 commission.

15 C. The commission shall be entitled to receive all service of process in any
16 such proceeding and shall have standing to intervene in the proceeding for all
17 purposes. Except where the commission has intervened, failure to provide service
18 of process to the commission shall render a judgment or order void as to the
19 commission, the compact, or promulgated rules.

20 SECTION 13. ENFORCEMENT AND DEFAULT PROCEDURES

21 A. The commission, in the reasonable exercise of its discretion, shall enforce
22 the provisions and rules of the compact.

23 B. The grounds for default under this compact by a member state include but
24 are not limited to failure of a member state to perform such obligations or
25 responsibilities imposed upon it by the compact or by the rules and bylaws of the
26 commission promulgated in accordance with the compact.

27 C. If the commission determines that a member state has defaulted in the
28 performance of its obligations or responsibilities pursuant to the compact, bylaws,
29 or promulgated rules, the commission shall do both of the following:

1 (1) Provide written notice to the defaulting state and other member states of
2 the nature of the default, the means of curing the default, and any action taken by the
3 commission. The commission shall specify the conditions by which the defaulting
4 state shall cure its default.

5 (2) Provide remedial training and specific technical assistance regarding the
6 default.

7 D. If the defaulting state fails to cure the default, the defaulting state shall
8 be terminated from the compact upon an affirmative vote of a majority of the
9 commissioners and all rights, privileges, and benefits conferred by the compact shall
10 terminate on the effective date of termination. A cure of the default does not relieve
11 the offending state of obligations or liabilities incurred during the period of the
12 default.

13 E. Termination of membership in the compact shall be imposed only after
14 all other means of securing compliance have been exhausted. Notice of intent to
15 terminate shall be given by the commission to the governor, the majority and
16 minority leaders of the defaulting state's legislature, and each of the member states.

17 F. The commission shall establish rules and procedures to address licenses
18 and compact license privilege holders that are materially impacted by the termination
19 of a member state or the withdrawal of a member state.

20 G. The commission shall not bear any costs relating to any state that has
21 been found to be in default or which has been terminated from the compact, unless
22 otherwise mutually agreed upon in writing between the commission and the
23 defaulting state.

24 H. The defaulting state may appeal the action of the commission by
25 petitioning the state court where the commission has its principal offices. The
26 prevailing party shall be awarded all costs of such litigation, including reasonable
27 attorneys' fees.

28 I. The remedies herein shall not be the exclusive remedies of the
29 commission. The commission may avail itself of any other remedies available in
30 accordance with state law or the regulation of a profession.

1 SECTION 14. DISPUTE RESOLUTION

2 A. The commission shall attempt, upon the request of a member state dental
3 board, to resolve disputes which are subject to the compact and which may arise
4 among member state dental boards.

5 B. The commission shall promulgate rules providing for both mediation and
6 voluntary binding dispute resolution, as appropriate.

7 SECTION 15. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

8 A. Any state is eligible to become a member state of the compact.

9 B. The compact shall become effective and binding upon legislative
10 enactment of the compact into law by no less than five states. Thereafter, it shall
11 become effective and binding on a state upon enactment of the compact into law by
12 that state.

13 C. The governors of nonmember states, or their designees, shall be invited
14 to participate in the activities of the commission on a nonvoting basis prior to
15 adoption of the compact by all states.

16 D. The commission may propose amendments to the compact for enactment
17 by the member states. No amendment shall become effective and binding upon the
18 commission and the member states unless and until it is enacted into law by
19 unanimous consent of the member states.

20 SECTION 16. WITHDRAWAL

21 A. Once effective, the compact shall continue in force and remain binding
22 upon each and every member state; however, a member state may withdraw from the
23 compact after giving appropriate notice by specifically repealing the statute which
24 enacted the compact into law.

25 B. The licensee's compact license privilege shall remain in effect for six
26 months from the date of the member state dental board withdrawal.

27 C. The withdrawing state shall immediately notify the chairperson of the
28 commission in writing upon the introduction of legislation repealing the compact by
29 the withdrawing state, and upon the enactment of such legislation.

1 D. The commission shall notify the other member states within sixty days
2 of its receipt of notice provided pursuant to Subsection C of this Section of this
3 compact.

4 E. Reinstatement following withdrawal of a member state shall occur upon
5 the withdrawing state reenacting the compact or upon such later date as determined
6 by the commission.

7 F. The commission shall issue rules to address the impact of the withdrawal
8 of a member state on licenses granted by other member states to dentists and dental
9 hygienists who designated the withdrawing member state as their home state.

10 SECTION 17. DISSOLUTION

11 A. The compact shall dissolve effective upon the date of the withdrawal or
12 default of the member state which reduces the membership in the compact to one
13 member state.

14 B. Upon the dissolution of the compact, the compact shall become null and
15 void and shall be of no further force or effect, and the business and affairs of the
16 commission shall be concluded and surplus funds shall be distributed in accordance
17 with the bylaws.

18 SECTION 18. SEVERABILITY AND CONSTRUCTION

19 A. The provisions of the compact shall be severable, and if any phrase,
20 clause, sentence, or provision is deemed unenforceable, the remaining provisions of
21 the compact shall be enforceable.

22 B. The provisions of the compact shall be liberally construed to effectuate
23 its purposes.

24 SECTION 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

25 A. Nothing herein prevents the enforcement of any other law of a member
26 state that is not inconsistent with the compact.

27 B. All lawful actions of the commission, including all rules and bylaws
28 promulgated by the commission, shall be binding upon the member states.

29 C. All agreements between the commission and the member states shall be
30 binding in accordance with their terms.

D. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

SECTION 20. RULES OF ORDER

The most current edition of the American Institute of Parliamentarians Standard Code of Parliamentary Procedure shall govern all meetings of the commission, including its committees, in those situations not otherwise covered in the bylaws.

Section 2. R.S. 44:4.1(B)(24) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(24) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 799, 920.1, 969.1, 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15, 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3276.2, 3481, 3507.1

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____