

By: Representatives Felsher, Creekmore IV

To: Public Health and Human
Services

HOUSE BILL NO. 674

1 AN ACT TO ENACT INTO LAW THE INTERSTATE DENTAL AND DENTAL
2 HYGIENE LICENSURE COMPACT AND PROVIDE THAT THE STATE OF
3 MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES AND JURISDICTIONS
4 THAT JOIN IN THE COMPACT; TO AMEND SECTIONS 73-9-1, 73-9-3,
5 73-9-5, 73-9-13, 73-9-41, 73-9-43, 73-9-61, 73-9-63 AND 73-9-65,
6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS
7 ACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** The Interstate Dental and Dental Hygiene
10 Licensure Compact is enacted into law and entered into by this
11 state with any and all states and other jurisdictions legally
12 joining in the Compact in accordance with its terms, in the form
13 substantially as follows:

14 **INTERSTATE DENTAL AND DENTAL HYGIENE LICENSURE COMPACT**

15 **SECTION 1.**

16 **PURPOSE**

17 This Compact shall be known as the Interstate Dental and
18 Dental Hygiene Licensure Compact and the purpose of the Compact is
19 to expedite licensure and increase access to dental health care
20 through licensure boards acting in cooperation. The Compact adopts



21 the existing structures most utilized by dental boards across the
22 United States, while ensuring the safety of the public through the
23 sharing of documents and information. This Compact ensures that
24 each state retains the right to impose an adverse action on a
25 licensee as a home state or as a practicing state. Each state has
26 an opportunity to share investigations and information with the
27 home state of licensure. The Compact is operated by state dental
28 board members, administrators and other staff, thus allowing for
29 each state to maintain its sovereignty.

30 The Compact:

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

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

35 (c) Creates a common goal of protecting the public by
36 ensuring a uniform licensure standard and sharing of information
37 in the Compact;

38 (d) Allows for licensure in every participating state
39 by requiring passage of the uniform licensure examination that
40 assesses psychomotor and cognitive dental skills and is currently
41 accepted in fifty (50) state licensing jurisdictions and United
42 States territories;

43 (e) Gives licensees one (1) location to maintain
44 professional documentation to expedite license transfers in
45 states, hospitals or institutional credentialing;



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

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

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

SECTION 2.

DEFINITIONS

As used in this Compact, and except where otherwise provided, the following definitions shall apply:

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

(b) "Attorneys' committee" means the committee of attorneys who currently represent a member state dental board. The attorneys' committee shall designate one (1) of its members to participate in the Commission as a nonvoting member. An attorney that has previously served as an attorney for a member state dental board may be invited on a year-to-year basis to serve on the attorneys' committee if they have not engaged in an official case against a state dental board or have any other conflict of



71 interest. The attorneys' committee may assist the investigators
72 in working through joint investigation issues between states;

73 (c) "Active-duty military person or spouse" means a
74 licensee in full-time active-duty status in the active uniformed
75 services of the United States, including members of the National
76 Guard and Reserves. The legal spouse of the military member must
77 be recognized by the military unit as a dependent while the
78 service member is on active duty. Spouses shall receive the same
79 privileges as military members for the purpose of this Compact;

80 (d) "Active investigation" means an active
81 investigation potentially resulting in formal allegations or
82 charges precipitating a judicial process by a state dental board,
83 oversight agency, or other law enforcement entity;

84 (e) "Adverse action" means an order issued by a state
85 dental board or reported to the clearinghouse pursuant to the
86 Commission's bylaws and rules that disciplines a licensee.
87 Adverse action includes, and is not limited to, the suspension,
88 limiting, or revocation of a license or compact license privilege;
89 the imposition of fees and sanctions; and any temporary emergency
90 order that may be later withdrawn by a board;

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

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



96 (h) "Clearinghouse" means the clearinghouse and
97 databank that houses prior adverse action documentations, orders
98 and denials of licensure or permits from state dental boards that
99 is administered by the AADB or its successor;

100 (i) "CODA" means the Commission on Dental Accreditation
101 or its successor as approved by the United States Department of
102 Education or its successor;

103 (j) "Commission" means the Interstate Dental and Dental
104 Hygiene Compact Licensure Commission created under Section 3 of
105 this Compact;

106 (k) "Commissioners" means the two (2) members chosen by
107 each member state dental board to serve as the voting members of
108 the Commission;

109 (l) "Compact" means the Interstate Dental and Dental
110 Hygiene Licensure Compact created under Section 3 of this Compact;

111 (m) "Compact license privilege" means the expedited
112 dental or dental hygiene license to practice in a member state
113 that is not the licensee's home state;

114 (n) "Conviction" means an adjudication or formal
115 judgment by a court that an individual is guilty through a plea of
116 guilty or no contest, or a finding of guilt by the court.
117 Evidence of a conviction of a criminal offense by the court shall
118 be considered final for the purposes of considering or imposing
119 disciplinary action by a member state dental board;



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

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

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

2. Has successfully passed the ADEX dental hygiene licensure examination; or has been in practice for five (5) years or more and has successfully passed a regional board examination or equivalent state administered psychomotor licensure examination before January 1, 2024;

3. Has successfully passed the written National Dental Hygiene Board Examination administered by the Joint Commission on National Dental Examinations;

4. Possesses a full and unrestricted dental hygiene license issued by a member state;

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

6. Has never been a subject of discipline by a licensing agency through any adverse action, order, or other



restriction of the licensee by a licensing agency, with the exception of failure to pay fees or failure to complete continuing education;

7. Is not currently under active investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction; and

8. Meets any jurisprudence requirement established by a member state dental board of a member state in which a licensee is seeking a compact license privilege.

(q) "Dental practice act" means the laws and regulations governing the practice of dentistry within a member state;

(r) "Dentist" means any person who:

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

2. Has successfully passed the ADEX dental licensure exam; or has been in practice for five (5) years or more and has successfully passed a regional board examination or equivalent state-administered psychomotor licensure examination prior to January 1, 2024;

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

4. Possesses a full and unrestricted dental license issued by a member state dental board;



170 5. Has never been convicted or received
171 adjudication, deferred adjudication, community supervision, or
172 deferred disposition for any offense (other than traffic offenses)
173 by a court of appropriate jurisdiction;

174 6. Has never been a subject of discipline by a
175 licensing agency through any adverse action, order, or other
176 restriction of the licensee by a licensing agency, with the
177 exception of failure to pay fees or failure to complete continuing
178 education;

179 7. Has never had a state or federal drug
180 registration, permit, or license restricted, suspended, or revoked
181 by the United States Drug Enforcement Administration or any
182 licensing agency that oversees scheduled drug registrations;

183 8. Is not currently under active investigation by
184 a licensing agency or law enforcement authority in any state,
185 federal or foreign jurisdiction; and

186 9. Meets any jurisprudence requirement established
187 by a member state dental board in which a licensee is seeking a
188 compact license privilege;

189 (s) "Home state" means the state of primary licensure
190 of a licensee;

191 (t) "License" means the authorization by a licensing
192 authority for a dentist or dental hygienist to engage in the
193 unrestricted practice of dentistry or dental hygiene, which would
194 be unlawful without such license;



195 (u) "Licensee" means a dentist or dental hygienist who
196 holds an unrestricted license to practice as a dentist or dental
197 hygienist;

198 (v) "Licensing agency" means the agency or other entity
199 of a state that is responsible for the licensing of dentists and
200 dental hygienists. If a member state dental board has such
201 responsibility, it shall be deemed a licensing agency;

202 (w) "Member state dental board" means a state agency in
203 a member state that protects the public through licensure,
204 regulation, and the education of dentist and dental hygienists, as
205 directed by the state law. All actions taken by a member state
206 dental board shall be under the authority of the laws its state
207 and any other rights conferred under this Compact;

208 (x) "Member state" means a state, the District of
209 Colombia or any other United States territory that has enacted the
210 Compact;

211 (y) "Regional board examination" means initial
212 licensure examinations administered by the Western Regional
213 Examining Board (WREB), the North East Regional Board of Dental
214 Examiners (NERB), the Commission on Dental Competency Assessments
215 (CDCA), Council of Interstate Testing Agencies (CITA), Southern
216 Regional Testing Agency (SRTA), or Central Regional Dental Testing
217 Services (CRDTS) that assess psychomotor skills;

218 (z) "Repository" means the repository of original
219 documents of a licensee that may include original transcripts,



certification documents, test scores, military training records, previous or current licensing documents and other sources of materials needed for applications and verification administered by the AADB or its successor. The repository shall receive documents from primary or originating sources and/or verify their authenticity;

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

(bb) "State" means a state within the United States or a United States territory; and

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

SECTION 3.

COMPACT AND COMMISSION

(a) The member states create the Interstate Dental and Dental Hygiene Licensure Compact and the Commission. Each member state must enact a compact that is not materially different from this Compact, as determined by the Commission.

(b) Each member state dental board shall have two (2) voting members who shall serve as commissioners. Each commissioner shall have one (1) vote. Member states with separate dental and dental hygiene licensing agencies shall appoint one (1) commissioner from each licensing agency. One (1) commissioner shall be a current



member of a member state dental board. Commissioners may not delegate votes or vote by proxy; however, if a commissioner is unable to attend, the member state may substitute a commissioner who meets the same requirements.

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

(d) The Commission shall meet at least once per calendar year (the "annual meeting") and at additional times as necessary pursuant to the bylaws and rules.

(e) At each annual meeting, the Commission shall elect a Chair, Vice Chair, Secretary, and Treasurer from the membership of the Commission (the "officers.") The officers shall be members of the Commission's Executive Committee (the "Executive Committee.") The Commission shall also elect representatives from four (4) regional districts established by the Commission to serve on the Executive Committee. All officers and Executive Committee representatives shall serve one (1) year terms.

(f) A quorum for purposes of conducting business shall be a majority of commissioners attending in person or virtually.

(g) The Commission shall provide notice of all meetings on its website and in other communications to member state dental boards.

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



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

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

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

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

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

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

(7) Advice of legal counsel.

(i) The Commission shall keep minutes and make them available to all member states.

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

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

SECTION 4.



295 **DUTIES OF COMPACT MEMBER STATE**

296 (a) Member states shall submit to the clearinghouse all
297 member state dental board actions and other documents and data as
298 determined by the Commission.

299 (b) Member states shall notify the Commission of any adverse
300 action taken by the member state dental board, any active
301 investigation by the member state dental board, any active
302 investigation involving pending criminal charges, or other
303 circumstance as determined by the Commission.

304 (c) Any adverse action, order, restriction or denial of a
305 license or permit on a licensee or compact license privilege
306 holder shall be reported to the clearinghouse by the member state
307 dental board.

308 (d) Member state dental boards may submit to the
309 clearinghouse nonpublic complaints, or disciplinary or
310 investigatory information not required by subsection (c) of this
311 section. All investigatory material shall be considered
312 confidential and not part of a public record unless otherwise
313 specifically required by state statute.

314 (e) Members states shall accept continuing education credits
315 as required or recognized by any other member state.

316 (f) Documents in the repository shall be treated by a member
317 state as the equivalent of a primary or original source document
318 for licensure.



(g) Member states shall accept a standardized application for a compact license privilege. The standardized application shall be established by the rules enacted by the Commission.

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

(i) As part of the Compact enforcement, participating member states may issue subpoenas and seek testimony of witnesses, which subpoenas shall be enforced in other member states and enforced by a court of competent jurisdiction where the witnesses or evidence is located.

SECTION 5.

POWERS AND DUTIES OF THE COMMISSION

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

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

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

(3) Establish a budget and make expenditures;

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



344 (5) Issue, upon the request of a member state dental
345 board, advisory opinions concerning the meaning or interpretation
346 of the Compact and its bylaws, rules, and actions;

347 (6) Enforce compliance with Compact provisions, the
348 rules promulgated by the Commission, and the bylaws, using all
349 necessary and proper means, including, but not limited to, the use
350 of judicial process;

351 (7) Hold an annual meeting for the Commission where the
352 elections of the Executive Committee and other issues may be
353 discussed and voted on;

354 (8) Establish personnel policies and programs relating
355 to conflicts of interest, and the rates of compensation and
356 qualifications of personnel;

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

361 (10) Report annually to the legislatures and governors
362 of the member state dental boards concerning the activities of the
363 Commission during the preceding calendar year. Such reports shall
364 also include reports of annual financial audits, all actions of
365 the Commission, rules adopted by the Commission, and any
366 recommendations by the Commission; and



367 (11) Coordinate education, training and public
368 awareness regarding the Compact, its implementation, and its
369 operation.

370 (b) The Executive Committee shall have the power to act on
371 behalf of the Commission, with the exception of rulemaking, during
372 periods when the Commission is not in session. When acting on
373 behalf of the Commission, the Executive Committee shall oversee
374 the administration of the Compact, including enforcement of and
375 compliance with the Compact.

376 (c) The officers and employees of the Commission shall be
377 immune from suit and liability, either personally or in their
378 official capacity, for a claim for damage to or loss of property
379 or personal injury or other civil liability caused or arising out
380 of, or relating to, an actual or alleged act, error or omission
381 that occurred, or that such person had a reasonable basis for
382 believing occurred, within the scope of Commission employment,
383 duties or responsibilities; however, such person shall not be
384 protected from suit or liability for damage, loss, injury or
385 liability caused by the intentional or willful and wanton
386 misconduct of such person.

387 (d) The liability of the executive director and employees of
388 the Commission or representatives of the Commission, acting within
389 the scope of such person's employment or duties for acts, errors
390 or omissions occurring within such person's state may not exceed
391 the limits of liability set forth under the constitution and laws



of that state for state officials, employees and agents. The Commission shall be considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of such person.

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

(f) To the extent not covered by the state involved, member state, or the Commission, the representatives or employees of the Commission shall be held harmless by the Commission in the amount of a settlement or judgment, including attorney fees and costs, obtained against such persons arising out of an actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such



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

SECTION 6.

APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT LICENSE PRIVILEGE TO A MEMBER STATE

(a) A dentist or dental hygienist applying for compact license privileges shall meet the requirements of a dentist as listed in Section 2(r) of this Compact or a dental hygienist as listed in Section 2(p) of this Compact and hold a current license in a member state under this Compact.

(b) Each dentist or dental hygienist shall designate a home state of licensure. The home state shall be determined by:

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

(2) If no state qualifies under paragraph (1) of this subsection (b), then the state that the dentist or dental



441 hygienist listed as their state of residence on the previous
442 year's federal tax return.

443 (c) A dentist or dental hygienist may redesignate a home
444 state no more than one (1) time in a calendar year if the
445 qualifications of a home state are met.

446 (d) A dentist or dental hygienist seeking a compact license
447 privilege (the "applicant") shall apply to their home state dental
448 board for a letter stating that the applicant is eligible for
449 compact license privileges.

450 (e) The home state dental board shall determine the
451 eligibility of an application for a compact license privilege and
452 shall issue a letter of approval or denial of the application for
453 a compact license privilege.

454 (f) The letter from the applicant's home state dental board
455 approving the application shall be submitted to the member state
456 dental board for the member state in which the applicant proposes
457 to practice, and shall include: (i) the Compact application
458 packet; (ii) authorization to seek access to the applicant's
459 repository documents; (iii) any additional information that may be
460 required by the proposed compact license privilege state; and (iv)
461 any required fees. The member state dental board shall review the
462 application to confirm compliance with the member state's laws and
463 regulations. Following such review, if the member state dental
464 board approves the application, it shall issue a compact license
465 privilege from the proposed member state to the applicant.



(g) Appeals of a denial of a compact license privilege application shall be filed with the member state dental board making such determination, and shall be filed within thirty (30) days of the date of the denial.

(h) A licensee holding a compact license privilege shall notify the Commission within ten (10) business days of any adverse action taken against a license held in a state that is not a member state.

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

(j) The Commission shall issue rules on the duration of a compact license privilege, the application and renewal process for a compact license privilege, and any application fees.

(k) Eligibility or ineligibility to receive a compact license privilege shall not limit the ability of a licensee to seek a state license through the regular process outside of the Compact.

SECTION 7.

JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

(a) Each licensee holding a compact license privilege shall be subject to and comply with the laws and regulations of the member state in which such licensee practices under a compact license privilege.



491 (b) Each licensee holding a compact license privilege shall
492 be subject to the jurisdiction and authority of the member state
493 dental board of the state in which such licensee practices, as if
494 they held a license issued from such member state dental board.
495 Such compact license privilege holder shall be deemed a "licensee"
496 of the member state dental board for purposes of such board taking
497 an adverse action.

498 (c) Each licensee holding a compact license privilege shall
499 list a current address with the Commission that shall serve as
500 their official address of service.

501 (d) A licensee holding a compact license privilege may have
502 an adverse action taken against them by:

503 (1) The member state dental board of the member state
504 in which they are practicing with a compact license privilege;

505 (2) The licensee's home state; or

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

508 (e) A home state may take an adverse action against the
509 holder of a compact license privilege, regardless of where the
510 actions giving rise to the adverse action occurred.

511 (f) Any member state in which the compact licensee holds a
512 compact license privilege may investigate an allegation of a
513 violation of the laws and rules of the practice of dentistry or
514 dental hygiene in any other state where the compact licensee holds
515 a compact license privilege.



516 **SECTION 8.**

517 **FEES AND MILITARY WAIVER**

518 (a) The Commission shall issue rules regarding the use of
519 the repository by each holder of a compact license privilege.

520 (b) A member state dental board issuing a compact license
521 privilege authorizing practice in its State may impose a fee for a
522 compact license privilege, for either initial issuance or any
523 renewal.

524 (c) No compact fee shall be required of any active-duty
525 military member and/or their spouse up to one (1) year after
526 separation from the service. Each member state issuing a compact
527 license privilege may waive fees for active-duty military and/or
528 their spouse as required by each individual state statute.

529 (d) Active-duty military may transfer military training
530 records to the repository without a fee.

531 **SECTION 9.**

532 **JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS**

533 (a) Each member state shall name a point of contact for
534 joint investigations between member state dental boards.

535 (b) Member state dental boards may participate with other
536 member state dental boards in joint investigations of licensees
537 that are subject to this Compact.

538 (c) Member state dental boards may share investigative,
539 litigation or other materials in furtherance of any joint or
540 individual investigation of a compact license privilege holder.



(d) A subpoena issued by a member state or member state dental board shall be enforceable in other member states as allowed by law.

(e) If a compact license privilege holder has an adverse action taken against them by any member state dental board, the compact license privilege holder, licensee shall automatically be subject to similar discipline by other member state dental boards.

(f) If a compact license privilege holder has an adverse action taken against their home state license, including being revoked, surrendered, or relinquished in lieu of discipline or suspended, then automatically all other compact license privileges shall be placed in the same status. The home state dental board shall notify the Commission and the Commission shall issue a notice to all member state dental boards of such adverse action.

(g) If discipline or an adverse action is taken against a compact license privilege holder in a member state, the member state board shall notify the Commission and the home state of the compact license privilege holder. The home state may deem the action conclusive as a matter of law and fact and may:

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

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

SECTION 10.



566 **OTHER REQUESTS FOR INFORMATION FROM THE**
567 **REPOSITORY AND THE CLEARINGHOUSE**

568 (a) Insurance companies and entities verifying documents for
569 the purpose of licenses extended to a dentist or dental hygienist
570 may seek information from the clearinghouse for public record
571 documents.

572 (b) A dentist or dental hygienist may submit a request to
573 the Commission to allow any hiring employer, entity, or insurance
574 company to access documents from the repository for the purposes
575 of credentialing, licensing or other privileges.

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

578 **SECTION 11.**

579 **RULEMAKING FUNCTIONS OF THE COMMISSION**

580 (a) The Commission shall promulgate reasonable rules in
581 order to effectively and efficiently implement and achieve the
582 purposes and administration of the Compact. Notwithstanding the
583 foregoing, if the Commission exercises its rulemaking authority in
584 a manner that is beyond the scope of the purposes of the Compact
585 or the powers granted under this section, then such an action by
586 the Commission may be determined to be invalid and have no force
587 or effect.

588 (b) Rules validly issued by the Commission shall have the
589 force of law in each member state.



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

SECTION 12.

OVERSIGHT OF THE COMPACT

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

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

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

SECTION 13.



615 **ENFORCEMENT AND DEFAULT PROCEDURES**

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

618 (b) The grounds for default under this Compact by a member
619 state include, but are not limited to, failure of a member state
620 to perform such obligations or responsibilities imposed upon it by
621 the Compact or by the rules and bylaws of the Commission
622 promulgated under the Compact.

623 (c) If the Commission determines that a member state has
624 defaulted in the performance of its obligations or
625 responsibilities under the Compact, or the bylaws or promulgated
626 rules, the Commission shall:

627 (1) Provide written notice to the defaulting state and
628 other member states of the nature of the default, the means of
629 curing the default and any action taken by the Commission. The
630 Commission shall specify the conditions by which the defaulting
631 state must cure its default; and

632 (2) Provide remedial training and specific technical
633 assistance regarding the default.

634 (d) If the defaulting state fails to cure the default, the
635 defaulting state shall be terminated from the Compact upon an
636 affirmative vote of a majority of the commissioners and all
637 rights, privileges and benefits conferred by the Compact shall
638 terminate on the effective date of termination. A cure of the



639 default does not relieve the offending state of obligations or
640 liabilities incurred during the period of the default.

641 (e) Termination of membership in the Compact shall be
642 imposed only after all other means of securing compliance have
643 been exhausted. Notice of intent to terminate shall be given by
644 the Commission to the Governor, the majority and minority leaders
645 of the defaulting state's legislature and each of the member
646 states.

647 (f) The Commission shall establish rules and procedures to
648 address licenses and compact license privilege holders that are
649 materially impacted by the termination of a member state or the
650 withdrawal of a member state.

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

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

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



663 (j) The remedies in this section shall not be the exclusive
664 remedies of the Commission. The Commission may avail itself of
665 any other remedies available under state law or the regulation of
666 a profession.

667 **SECTION 14.**

668 **DISPUTE RESOLUTION**

669 (a) The Commission shall attempt, upon the request of a
670 member state dental board, to resolve disputes which are subject
671 to the Compact and which may arise among member state dental
672 boards.

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

676 **SECTION 15.**

677 **MEMBER STATES, EFFECTIVE DATE AND AMENDMENT**

678 (a) Any state is eligible to become a member state of the
679 Compact.

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

684 (c) The governors of non-member states, or their designees,
685 shall be invited to participate in the activities of the
686 Commission on a nonvoting basis before adoption of the Compact by
687 all states.



688 (d) The Commission may propose amendments to the Compact for
689 enactment by the member states. No amendment shall become
690 effective and binding upon the Commission and the member states
691 unless and until it is enacted into law by unanimous consent of
692 the member states.

693 **SECTION 16.**

694 **WITHDRAWAL**

695 (a) Once effective, the Compact shall continue in force and
696 remain binding upon each and every member state; however, a member
697 state may withdraw from the Compact after giving appropriate
698 notice by specifically repealing the statute which enacted the
699 Compact into law.

700 (b) The licensee's compact license privilege shall remain in
701 effect for six (6) months from the date of the member state dental
702 board withdrawal.

703 (c) The withdrawing state shall immediately notify the
704 chairperson of the Commission in writing upon the introduction of
705 legislation repealing the Compact by the withdrawing state, and
706 upon the enactment of such legislation.

707 (d) The Commission shall notify the other member states
708 within sixty (60) days of its receipt of notice provided under
709 subsection (c) of this section.

710 (e) Reinstatement following withdrawal of a member state
711 shall occur upon the withdrawing state reenacting the Compact or
712 upon such later date as determined by the Commission.



(f) The Commission shall issue rules to address the impact of the withdrawal of a member state on licenses granted by other member states to dentists and dental hygienists who designated the withdrawing member state as their home state.

SECTION 17.

DISSOLUTION

(a) The Compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the Compact to one (1) member state.

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

SECTION 18.

SEVERABILITY AND CONSTRUCTION

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

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

SECTION 19.

BINDING EFFECT OF COMPACT AND OTHER LAWS



(a) Nothing in this Compact prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.

(b) All lawful actions of the Commission, including all rules and bylaws promulgated by the Commission, shall be binding upon the member states.

(c) All agreements between the Commission and the member states shall be binding in accordance with their terms.

(d) If 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 all meetings of the Commission, including its committees, in those situations not otherwise covered in the bylaws.

SECTION 2. Section 73-9-1, Mississippi Code of 1972, is amended as follows:

73-9-1. Every person who desires to practice dentistry or dental hygiene in this state must obtain a license to do so as hereinafter provided or obtain a compact license privilege; but this section shall not apply to dentists or dental hygienists now



holding permanent licenses to practice provided the same have been recorded as required by law.

SECTION 3. Section 73-9-3, Mississippi Code of 1972, is amended as follows:

73-9-3. (1) As used in this chapter, "dentistry" is defined as the evaluation, diagnosis, prevention and/or treatment (nonsurgical, surgical or related procedures) of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body; provided by a dentist, within the scope of his or her education, training and experience, in accordance with the ethics of the profession and applicable law, provided that nothing in this section shall be so construed as to prevent:

(a) The practice of his or her profession by a regularly licensed and registered physician under the laws of this state unless he or she practices dentistry as a specialty; or

(b) The performance of mechanical work upon inanimate objects by persons working in dental offices under their supervision; or

(c) The operation of a dental laboratory and taking work by written work authorization from regularly licensed and registered dentists as provided for elsewhere in this chapter; or

(d) Dentists from outside the state from giving educational clinics or demonstrations before a dental society, convention or association; or



(e) Licensed dentists from outside the state from being called into Mississippi by licensed dentists of this state for consultative or operative purposes when the consultative or operative purposes have been authorized or approved by the Board of Dental Examiners for specified periods of time or as provided for by rules and regulations set forth by the board; or

(f) Applicants for a license to practice dentistry or dental hygiene in this state from working during an examination by and under the supervision and direction of the Board of Dental Examiners; or

(g) The practice of dentistry or of dental hygiene by students under the supervision of faculty in any dental school, college, or dental department of any school, college or university, or school of dental hygiene recognized by the board; or

(h) Dental or dental hygiene students enrolled in accredited dental or dental hygiene schools from participating in off-site training recognized and approved by the board, but those activities shall not be carried on for profit; or

(i) A regularly licensed and registered dentist from the delegation of procedures to a regularly licensed and registered dental hygienist or other competent dental auxiliary personnel while acting under the direct supervision and full responsibility of the dentist except as follows: Those procedures that require the professional judgment and skill of a dentist such



as diagnosis, treatment planning, surgical procedures involving hard or soft tissues, or any intra-oral procedure of an irreversible nature that could result in injury to the patient. However, the dentist may delegate the removal of calcareous deposits only to a regularly licensed and registered dental hygienist as regulated by the State Board of Dental Examiners.

All dentists and dental hygienists serving as faculty, as provided for in paragraphs (g) and (h) of this section, shall be required to be licensed by the Mississippi State Board of Dental Examiners.

(2) As used in this chapter:

(a) "Compact license privilege" means the authorization to practice as a dentist or a dental hygienist in this state under the Interstate Dental and Dental Hygiene Licensure Compact provided for in Section 1 of this act.

(b) "Licensee" means a person who has been issued a license to practice as a dentist or dental hygienist in this state, or a person who holds a compact license privilege to practice as a dentist or dental hygienist in this state.

SECTION 4. Section 73-9-5, Mississippi Code of 1972, is amended as follows:

73-9-5. (1) For the purpose of this chapter, a dental hygienist shall be an individual who has completed an accredited dental hygiene education program, passed the national dental hygiene board and is licensed by the State Board of Dental



836 Examiners or who holds a compact license privilege from the board
837 to provide, as an auxiliary to the dentist, preventive care
838 services including, but not limited to, scaling and polishing. In
839 fulfilling these services, dental hygienists provide treatment
840 that helps to prevent oral disease such as dental caries and
841 periodontal disease and for educating patients in prevention of
842 these and other dental problems.

843 (2) The work of dental hygienists and dental assistants
844 while working in the office of a regularly licensed and registered
845 dentist shall at all times be under the direct supervision of the
846 dentist. Dental hygienists in the employ of the State Board of
847 Health or public school boards shall be limited to only performing
848 oral hygiene instruction and screening when under the general
849 supervision and direction of regularly licensed and registered
850 dentists. Dental hygienists recognized by the Board of Dental
851 Examiners when making public demonstrations of dental hygiene for
852 educational purposes shall be under the general supervision and
853 direction of regularly licensed and registered dentists.

854 (3) The Board of Dental Examiners may prohibit any dental
855 hygienist or other auxiliary personnel from rendering service that
856 it feels is not in the best interest of the public welfare.

857 **SECTION 5.** Section 73-9-13, Mississippi Code of 1972, is
858 amended as follows:

859 73-9-13. The State Board of Dental Examiners shall each year
860 elect from their number a president, vice president and



861 secretary-treasurer to serve for the coming year and until their
862 successors are qualified. Only dentist members of the board may
863 hold the offices of president and vice president. The board shall
864 have a seal with appropriate wording to be kept at the offices of
865 the board. The secretary and the executive director of the board
866 shall be required to make bond in such sum and with such surety as
867 the board may determine. It shall be the duty of the executive
868 director to keep a complete record of the acts and proceedings of
869 the board and to preserve all papers, documents and correspondence
870 received by the board relating to its duties and office.

871 The board shall have the following powers and duties:

872 (a) To carry out the purposes and provisions of the
873 state laws pertaining to dentistry and dental hygiene, and the
874 practice thereof and matters related thereto, particularly
875 Sections 73-9-1 through 73-9-117, together with all amendments and
876 additions thereto.

877 (b) To regulate the practice of dentistry and dental
878 hygiene and to promulgate reasonable regulations as are necessary
879 or convenient for the protection of the public; however, the board
880 shall not adopt any rule or regulation or impose any requirement
881 regarding the licensing of dentists that conflicts with the
882 prohibitions in Section 73-49-3.

883 (c) To make rules and regulations by which clinical
884 facilities within institutions, schools, colleges, universities
885 and other agencies may be recognized and approved for the practice



of dentistry or of dental hygiene by unlicensed persons therein,
as a precondition to their being excepted from the dental practice
act and authorized in accordance with Section 73-9-3(g) and (h).

(d) To provide for the enforcement of and to enforce
the laws of the State of Mississippi and the rules and regulations
of the State Board of Dental Examiners.

(e) To compile at least once each calendar year and to
maintain an adequate list of prospective dentist and dental
hygienist appointees for approval by the Governor as provided for
elsewhere by law.

(f) To issue licenses, compact license privileges and
permits to applicants when found to be qualified.

(g) To provide for reregistration of all licenses, compact license privileges and permits duly issued by the board.

(h) To maintain an up-to-date list of all licensees and
permit holders in the state, together with their addresses.

(i) To examine applicants for the practice of dentistry
or dental hygiene at least annually.

(j) To issue licenses, compact license privileges or
duplicates and reregistration/renewal certificates, and to collect
and account for fees for same.

(k) To maintain an office adequately staffed insofar as
funds are available for the purposes of carrying out the powers
and duties of the board.



910 (1) To provide by appropriate rules and regulations,
911 within the provisions of the state laws, for revoking or
912 suspending licenses, compact license privileges and permits and a
913 system of fines for lesser penalties.

914 (m) To prosecute, investigate or initiate prosecution
915 for violations of the laws of the state pertaining to practice of
916 dentistry or dental hygiene, or matters affecting the rights and
917 duties, or related thereto.

918 (n) To provide by rules for the conduct of as much
919 board business as practicable by mail, which, when so done, shall
920 be and have the same force and effect as if done in a regular
921 meeting duly organized.

922 (o) To adopt rules and regulations providing for the
923 reasonable regulation of advertising by dentists and dental
924 hygienists.

925 (p) To employ, in its discretion, a duly licensed
926 attorney to represent the board in individual cases.

927 (q) To employ, in its discretion, technical and
928 professional personnel to conduct dental office sedation site
929 visits, administer and monitor state board examinations and carry
930 out the powers and duties of the board.

931 (r) To adopt reasonable rules and regulations providing
932 for dentist practice records retention under the following minimum
933 standards:



(i) Dental records shall be retained by a dentist in the original, microfilmed, or similarly reproduced form for a minimum period of ten (10) years from the date a patient is last treated by a dentist.

(ii) Graphic matter, images, X-ray films, and like matter that were necessary to produce a diagnostic or therapeutic report shall be retained, preserved and properly stored by a dentist in the original microfilmed or similarly reproduced form for a minimum period of three (3) years from the date a patient is last treated by the dentist. Such graphic matter, images, X-ray film, and like matter shall be retained for a longer period when requested in writing by the patient.

(iii) Dental records in their original, microfilmed, or similarly reproduced form shall be provided upon request to a parent or guardian of an unemancipated minor under eighteen (18) without the permission of such unemancipated minor.

(s) To administer the compact license privilege in accordance with the Interstate Dental and Dental Hygiene Licensure Compact provided for in Section 1 of this act.

SECTION 6. Section 73-9-41, Mississippi Code of 1972, is amended as follows:

73-9-41. (1) No person shall practice, attempt to practice or offer to practice dentistry or dental hygiene within the state without first having been authorized and issued a license or compact license privilege by the board; nor shall any person



959 practice, attempt to practice, or offer to practice dentistry or
960 dental hygiene within the state during any period of suspension of
961 his or her license or compact license privilege by the board or
962 after revocation or being voided for failure to reregister by the
963 board of any license or compact license privilege previously
964 issued to the offending person.

965 (2) A person who has never been issued a license to practice
966 dentistry or dental hygiene or compact license privilege or whose
967 license or compact license privilege has been suspended, voided or
968 revoked by action of the board, shall not perform any act that
969 would constitute the practice of dentistry or dental hygiene as
970 defined in Sections 73-9-3 and 73-9-5, including, but not limited
971 to, the following:

972 (a) Making impressions or casts of the human mouth or
973 teeth;

974 (b) Constructing or supplying dentures without the work
975 authorization or prescription of a person licensed under the laws
976 of this state to practice dentistry; and

977 (c) Constructing or supplying dentures from impressions
978 or casts without the work authorization or prescription of a
979 person licensed under the laws of this state to practice
980 dentistry.

981 (3) The fact that any person engages in or performs or
982 offers to engage in or performs any of the practices, acts or
983 operations set forth in Section 73-9-3 or Section 73-9-5 is prima



facie evidence that the person is engaged in the practice of dentistry or dental hygiene.

(4) In addition to any other civil remedy or criminal penalty provided for by law, the executive director or the secretary of the board may issue a summons to appear before the board to any person or persons who the executive director or any member of the board has probable cause to believe has violated this section by practicing, attempting to practice, or offering to practice dentistry or dental hygiene without a current, valid license, compact license privilege or permit and any necessary witnesses. The summons issued by the board shall command each person to whom it is directed to attend and give testimony at a time and place specified in the summons. The summons shall be served upon the individual personally or by any type of mailing requiring a return receipt and shall include a statement of the charges and an explanation of the manner in which the unlicensed person shall be required to respond to the board.

(5) In proceedings conducted pursuant to subsection (4) of this section, the board may levy for each and every violation a civil penalty upon any unlicensed person who after a hearing is found to have practiced dentistry or dental hygiene without the benefit of a current, valid license or compact license privilege having been issued by the board under the provisions of this chapter, as follows:



1008 (a) For the first violation, a monetary penalty of not
1009 more than Five Hundred Dollars (\$500.00).

1010 (b) For the second violation, a monetary penalty of not
1011 more than One Thousand Dollars (\$1,000.00).

1012 (c) For the third and any subsequent violations, a
1013 monetary penalty of not more than Five Thousand Dollars
1014 (\$5,000.00).

1015 (d) For any violation, the board may assess those
1016 reasonable costs that are expended by the board in the
1017 investigation and conduct of the hearing as provided in subsection
1018 (4) of this section, including, but not limited to, the cost of
1019 process service, court reporters, expert witnesses and other
1020 witness expenses paid by the board, and investigators. Appeals
1021 from the board's decision may be taken as provided in Section
1022 73-9-65. Any monetary penalty or assessment levied under this
1023 section shall be paid to the board by the illegal practitioner
1024 upon the expiration of the period allowed for appealing those
1025 penalties or may be paid sooner if the illegal practitioner
1026 elects. Monetary penalties collected by the board under this
1027 section shall be deposited to the credit of the General Fund of
1028 the State Treasury. Any monies collected for assessment of costs
1029 by the board shall be deposited into the special fund of the
1030 board.

1031 (6) No person practicing dentistry or dental hygiene without
1032 a current valid license or compact license privilege shall have



1033 the right to receive any compensation for services so rendered.
1034 In addition to any other penalties imposed under this section, any
1035 person who practices dentistry or dental hygiene without a license
1036 or compact license privilege shall return any fees collected for
1037 practicing dentistry or dental hygiene and shall be liable for any
1038 damages resulting from negligent conduct. The board or any
1039 patient shall have the right to enforce the obligation provided in
1040 this section.

1041 **SECTION 7.** Section 73-9-43, Mississippi Code of 1972, is
1042 amended as follows:

1043 73-9-43. (1) The secretary or executive director shall
1044 collect in advance all fees provided for in this chapter as
1045 established by the board, not to exceed:

1046	Application for dental license	\$ 600.00
1047	Application for dental license through	
1048	credentials	2,500.00
1049	Application for dental specialty license	400.00
1050	Application for dental institutional,	
1051	teaching or provisional license	600.00
1052	Application for dental hygiene license	400.00
1053	Application for dental hygiene license through	
1054	credentials	750.00
1055	Application for dental hygiene institutional,	
1056	teaching or provisional license	400.00
1057	Application for general anesthesia permit	400.00
1058	Application for I.V. sedation permit	400.00
1059	Application for radiology permit	100.00
1060	Dental license renewal	300.00
1061	Dental specialty license renewal	200.00
1062	Dental institutional, teaching or	
1063	provisional license renewal	300.00
1064	Dental hygiene license renewal	150.00

1065 Dental hygiene institutional, teaching or



1066	provisional license renewal	150.00
1067	General anesthesia permit renewal	200.00
1068	I.V. sedation permit renewal	200.00
1069	Radiology permit renewal	75.00
1070	Penalty for delinquent renewal of dental licenses;	
1071	dental specialty licenses; and dental	
1072	institutional, teaching and provisional	
1073	licenses:	
1074	First month (plus renewal fee)	100.00
1075	Second month (plus renewal fee)	150.00
1076	Penalty for delinquent renewal of dental hygiene	
1077	licenses and dental hygiene institutional,	
1078	teaching and provisional licenses:	
1079	First month (plus renewal fee)	50.00
1080	Second month (plus renewal fee)	75.00
1081	Penalty for delinquent renewal of radiology permits:	
1082	First month (plus renewal fee)	45.00
1083	Second month (plus renewal fee)	65.00
1084	Penalty for nonnotification of change of address	50.00
1085	Penalty for duplicate renewal forms and	
1086	certification cards	50.00
1087	Duplicate or replacement license or permit	40.00
1088	Certification of licensure status	40.00
1089	Certified copy of license or permit	40.00
1090	Handling fee for nonsufficient funds check	50.00
1091	Requests for database information	300.00
1092	Radiology examinations administered in board's	
1093	office	100.00
1094	Dental and dental hygiene licensure examination	
1095	manuals	50.00
1096	Dental and dental hygiene licensure by	
1097	credentials packets	50.00
1098	Laws and/or regulations	50.00
1099	Disciplinary action orders	25.00
1100	Newsletters	20.00

1101 (2) The board may enact and enforce for delinquency in
1102 payment for any fees set out in this section a penalty in addition
1103 to the fee of an amount up to but not in excess of the fee. An
1104 additional fee of an amount equal to the first penalty may be



1105 assessed for each thirty (30) days, or part thereof, of
1106 delinquency. If any license or permit holder is delinquent in
1107 payment of renewal fees exceeding sixty (60) days from the initial
1108 renewal deadline as set by the board, the person shall be presumed
1109 to be no longer practicing, shall be stricken from the rolls and
1110 shall be deemed an illegal practitioner, subject to the penalties
1111 as enumerated in Section 73-9-41. In order to practice his or her
1112 profession in this state thereafter, the person may, at the
1113 discretion of the board, be considered as a new applicant and
1114 subject to examination and other licensing requirements as an
1115 original applicant.

1116 (3) The secretary or executive director shall faithfully
1117 account for all monies received by the board. All fees and any
1118 other monies received by the board, except monetary penalties
1119 collected under Section 73-9-61, shall be deposited in a special
1120 fund that is created in the State Treasury and shall be used for
1121 the implementation and administration of this chapter when
1122 appropriated by the Legislature for that purpose. Any interest
1123 earned on this special fund shall be credited by the State
1124 Treasurer to the fund and shall not be paid into the State General
1125 Fund. Any unexpended monies remaining in the special fund at the
1126 end of a fiscal year shall not lapse into the State General Fund.

1127 (4) For conducting the initial and retake examinations of
1128 applicants for licensure the secretary shall receive no more than
1129 Nine Hundred Dollars (\$900.00) per day for each examination, and



1130 no other member shall receive more than Seven Hundred Dollars
1131 (\$700.00) per day for each examination. The receipt of that
1132 compensation shall not entitle members of the board to receive or
1133 be eligible for any state employee group insurance, retirement or
1134 other fringe benefits. Any fees or income other than the maximum
1135 allowable for examining applicants for licensure as set out above
1136 shall be accounted for and may be used as needed in carrying out
1137 the provisions of this chapter.

1138 (5) A portion of the fee charged for license renewal of
1139 dentists and dental hygienists may be used to support a program to
1140 aid impaired dentists and/or dental hygienists. The payment of
1141 per diem and expense for attending board meetings shall be in
1142 addition to the compensation permitted above for examining
1143 applicants for licensure, and the per diem shall not exceed the
1144 amount provided in Section 25-3-69.

1145 (6) The duration of a compact license privilege and the
1146 application and renewal fees shall be as specified in rules issued
1147 by the Interstate Dental and Dental Hygiene Compact Licensure
1148 Commission created in Section 1 of this act.

1149 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is
1150 amended as follows:

1151 73-9-61. (1) Upon satisfactory proof, and in accordance
1152 with statutory provisions elsewhere set out for such hearings and
1153 protecting the rights of the accused as well as the public, the
1154 State Board of Dental Examiners may deny the issuance or renewal



1155 of a license or compact license privilege or may revoke or suspend
1156 the license or compact license privilege of any * * * dentist or
1157 dental hygienist practicing in the State of Mississippi, or take
1158 any other action in relation to the license or compact license
1159 privilege as the board may deem proper under the circumstances,
1160 for any of the following reasons:

1161 (a) Misrepresentation in obtaining a license or compact
1162 license privilege, or attempting to obtain, obtaining, attempting
1163 to renew or renewing a license, compact license privilege or
1164 professional credential by making any material misrepresentation,
1165 including the signing in his or her professional capacity any
1166 certificate that is known to be false at the time he or she makes
1167 or signs the certificate.

1168 (b) Willful violation of any of the rules or
1169 regulations duly promulgated by the board, or of any of the rules
1170 or regulations duly promulgated by the appropriate dental
1171 licensure agency of another state or jurisdiction.

1172 (c) Being impaired in the ability to practice dentistry
1173 or dental hygiene with reasonable skill and safety to patients by
1174 reason of illness or use of alcohol, drugs, narcotics, chemicals,
1175 or any other type of material or as a result of any mental or
1176 physical condition.

1177 (d) Administering, dispensing or prescribing any
1178 prescriptive medication or drug outside the course of legitimate
1179 professional dental practice.



1180 (e) Being convicted or found guilty of or entering a
1181 plea of nolo contendere to, regardless of adjudication, a
1182 violation of any federal or state law regulating the possession,
1183 distribution or use of any narcotic drug or any drug considered a
1184 controlled substance under state or federal law, a certified copy
1185 of the conviction order or judgment rendered by the trial court
1186 being prima facie evidence thereof, notwithstanding the pendency
1187 of any appeal.

1188 (f) Practicing incompetently or negligently, regardless
1189 of whether there is actual harm to the patient.

1190 (g) Being convicted or found guilty of or entering a
1191 plea of nolo contendere to, regardless of adjudication, a crime in
1192 any jurisdiction that relates to the practice of dentistry or
1193 dental hygiene, a certified copy of the conviction order or
1194 judgment rendered by the trial court being prima facie evidence
1195 thereof, notwithstanding the pendency of any appeal.

1196 (h) Being convicted or found guilty of or entering a
1197 plea of nolo contendere to, regardless of adjudication, a felony
1198 in any jurisdiction, a certified copy of the conviction order or
1199 judgment rendered by the trial court being prima facie evidence
1200 thereof, notwithstanding the pendency of any appeal.

1201 (i) Delegating professional responsibilities to a
1202 person who is not qualified by training, experience or licensure
1203 to perform them.



1204 (j) The refusal of a licensing authority of another
1205 state or jurisdiction to issue or renew a license, permit or
1206 certificate to practice dentistry or dental hygiene in that
1207 jurisdiction or the revocation, suspension or other restriction
1208 imposed on a license, permit or certificate issued by the
1209 licensing authority that prevents or restricts practice in that
1210 jurisdiction, a certified copy of the disciplinary order or action
1211 taken by the other state or jurisdiction being prima facie
1212 evidence thereof, notwithstanding the pendency of any appeal.

1213 (k) Surrender of a license or authorization to practice
1214 dentistry or dental hygiene in another state or jurisdiction when
1215 the board has reasonable cause to believe that the surrender is
1216 made to avoid or in anticipation of a disciplinary action.

1217 (l) Any unprofessional conduct to be determined by the
1218 board on a case-by-case basis, which shall include, but not be
1219 restricted to, the following:

1220 (i) Committing any crime involving moral
1221 turpitude.

1222 (ii) Practicing deceit or other fraud upon the
1223 public.

1224 (iii) Practicing dentistry or dental hygiene under
1225 a false or assumed name.

1226 (iv) Advertising that is false, deceptive or
1227 misleading.



1228 (v) Announcing a specialized practice shall be
1229 considered advertising that tends to deceive or mislead the public
1230 unless the dentist announcing as a specialist conforms to other
1231 statutory provisions and the duly promulgated rules or regulations
1232 of the board pertaining to practice of dentistry in the State of
1233 Mississippi.

1234 (m) Failure to provide and maintain reasonable sanitary
1235 facilities and conditions or failure to follow board rules
1236 regarding infection control.

1237 (n) Committing any act which would constitute sexual
1238 misconduct upon a patient or upon ancillary staff. For purposes
1239 of this subsection, the term sexual misconduct means:

1240 (i) Use of the licensee-patient relationship to
1241 engage or attempt to engage the patient in sexual activity; or

1242 (ii) Conduct of a licensee that is intended to
1243 intimidate, coerce, influence or trick any person employed by or
1244 for the licensee in a dental practice or educational setting for
1245 the purpose of engaging in sexual activity or activity intended
1246 for the sexual gratification of the licensee.

1247 (o) Violation of a lawful order of the board previously
1248 entered in a disciplinary or licensure hearing; failure to
1249 cooperate with any lawful request or investigation by the board;
1250 or failure to comply with a lawfully issued subpoena of the board.



1251 (p) Willful, obstinate and continuing refusal to
1252 cooperate with the board in observing its rules and regulations in
1253 promptly paying all legal license or other fees required by law.

1254 (q) Practicing dentistry or dental hygiene while the
1255 person's license or compact license privilege is suspended.

1256 (r) Violation(s) of the provisions of Sections 41-121-1
1257 through 41-121-9 relating to deceptive advertisement by health
1258 care practitioners. This paragraph shall stand repealed on July
1259 1, 2025.

1260 (2) In lieu of revocation of a license or compact license
1261 privilege as provided for above, the board may suspend the license
1262 or compact license privilege of the offending dentist or dental
1263 hygienist, suspend the sedation permit of the offending dentist,
1264 or take any other action in relation to his or her license or
1265 compact license privilege as the board may deem proper under the
1266 circumstances.

1267 (3) When a license or compact license privilege to practice
1268 dentistry or dental hygiene is revoked or suspended by the board,
1269 the board may, in its discretion, stay the revocation or
1270 suspension and simultaneously place the licensee on probation upon
1271 the condition that the licensee shall not violate the laws of the
1272 State of Mississippi pertaining to the practice of dentistry or
1273 dental hygiene and shall not violate the rules and regulations of
1274 the board and shall not violate any terms in relation to his or



1275 her license or compact license privilege as may be set by the
1276 board.

1277 (4) In a proceeding conducted under this section by the
1278 board for the denial, revocation or suspension of a license or
1279 compact license privilege to practice dentistry or dental hygiene,
1280 the board shall have the power and authority for the grounds
1281 stated for that denial, revocation or suspension, and in addition
1282 thereto or in lieu of that denial, revocation or suspension may
1283 assess and levy upon any person who is licensed or holds a compact
1284 license privilege to practice dentistry or dental hygiene in the
1285 State of Mississippi, a monetary penalty, as follows:

1286 (a) For the first violation of any of * * * paragraph
1287 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1288 subsection (1) of this section, a monetary penalty of not less
1289 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
1290 (\$500.00).

1291 (b) For the second violation of any of * * * paragraph
1292 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of
1293 subsection (1) of this section, a monetary penalty of not less
1294 than One Hundred Dollars (\$100.00) nor more than One Thousand
1295 Dollars (\$1,000.00).

1296 (c) For the third and any subsequent violation of any
1297 of * * * paragraph (a), (b), (c), (d), (f), (i), (l), (m), (n),
1298 (o) or (q) of subsection (1) of this section, a monetary penalty



1299 of not less than Five Hundred Dollars (\$500.00) and not more than
1300 Five Thousand Dollars (\$5,000.00).

1301 (d) For any violation of any of * * * paragraphs (a)
1302 through (q) of subsection (1) of this section, those reasonable
1303 costs that are expended by the board in the investigation and
1304 conduct of a proceeding for licensure revocation or suspension,
1305 including, but not limited to, the cost of process service, court
1306 reporters, expert witnesses and investigators.

1307 (5) The power and authority of the board to assess and levy
1308 monetary penalties under this section shall not be affected or
1309 diminished by any other proceeding, civil or criminal, concerning
1310 the same violation or violations except as provided in this
1311 section.

1312 (6) A licensee shall have the right of appeal from the
1313 assessment and levy of a monetary penalty as provided in this
1314 section under the same conditions as a right of appeal is provided
1315 elsewhere for appeals from an adverse ruling, order or decision of
1316 the board.

1317 (7) Any monetary penalty assessed and levied under this
1318 section shall not take effect until after the time for appeal has
1319 expired. In the event of an appeal, the appeal shall act as a
1320 supersedeas.

1321 (8) A monetary penalty assessed and levied under this
1322 section shall be paid to the board by the licensee upon the
1323 expiration of the period allowed for appeal of those penalties



1324 under this section or may be paid sooner if the licensee elects.
1325 With the exception of subsection (4)(d) of this section, monetary
1326 penalties collected by the board under this section shall be
1327 deposited to the credit of the General Fund of the State Treasury.
1328 Any monies collected by the board under subsection (4)(d) of this
1329 section shall be deposited into the special fund operating account
1330 of the board.

1331 (9) When payment of a monetary penalty assessed and levied
1332 by the board against a licensee in accordance with this section is
1333 not paid by the licensee when due under this section, the board
1334 shall have power to institute and maintain proceedings in its name
1335 for enforcement of payment in the chancery court of the county and
1336 judicial district of residence of the licensee, and if the
1337 licensee is a nonresident of the State of Mississippi, the
1338 proceedings shall be in the Chancery Court of the First Judicial
1339 District of Hinds County, Mississippi.

1340 (10) In addition to the reasons specified in subsection (1)
1341 of this section, the board shall be authorized to suspend the
1342 license of any licensee for being out of compliance with an order
1343 for support, as defined in Section 93-11-153. The procedure for
1344 suspension of a license for being out of compliance with an order
1345 for support, and the procedure for the reissuance or reinstatement
1346 of a license suspended for that purpose, and the payment of any
1347 fees for the reissuance or reinstatement of a license suspended
1348 for that purpose, shall be governed by Section 93-11-157 or



1349 93-11-163, as the case may be. If there is any conflict between
1350 any provision of Section 93-11-157 or 93-11-163 and any provision
1351 of this chapter, the provisions of Section 93-11-157 or 93-11-163,
1352 as the case may be, shall control.

1353 (11) All grounds for disciplinary action, including
1354 imposition of fines and assessment of costs as enumerated above,
1355 shall also apply to any other license or permit issued by the
1356 board under this chapter or regulations duly adopted by the board.

1357 **SECTION 9.** Section 73-9-63, Mississippi Code of 1972, is
1358 amended as follows:

1359 73-9-63. A complaint may be filed with the secretary or
1360 executive director of the board, by any person charging a licensed
1361 dentist or dental hygienist or dentist or dental hygienist who
1362 holds a compact license privilege with the commission of any of
1363 the offenses enumerated in Section 73-9-61. The complaint shall
1364 be in writing and signed by the accuser, or accusers. If upon
1365 review of the complaint, the board determines that there is not
1366 substantial justification to believe that the accused dentist or
1367 dental hygienist has committed any of the offenses enumerated in
1368 the preceding section, it may dismiss the complaint. In the event
1369 of a dismissal, the person filing the complaint and the accused
1370 dentist or dental hygienist shall be given written notice of the
1371 board's determination. If the board determines there is
1372 reasonable cause to believe the accused has committed the
1373 offenses, and a hearing should be held to determine the validity



1374 of the complaint, the executive director of the board shall set a
1375 day for a hearing, and shall notify the accused that on the day
1376 fixed for hearing he or she may appear and show cause, if any, why
1377 his or her license or compact license privilege to practice
1378 dentistry or dental hygiene in the state should not be revoked or
1379 have other disciplinary action taken against it. The notice shall
1380 be served upon the dentist or dental hygienist either personally
1381 or by registered or certified mail with return receipt requested.
1382 The board may, by regulation, establish an investigative panel
1383 consisting of at least two (2) people, one (1) of whom shall be a
1384 board member, to review complaints to determine the existence of
1385 probable cause and whether the complaints should proceed to formal
1386 hearing.

1387 Nothing in this section shall prevent the board from
1388 determining that it should investigate a licensee without a signed
1389 complaint provided that a prior determination is made that
1390 probable cause exists that a violation of this chapter may have
1391 occurred.

1392 For the purpose of the hearings or investigation of
1393 complaints, the board is empowered to require the attendance of
1394 witnesses, reimburse witnesses for necessary expenses and mileage
1395 incurred, subpoena documents and records, employ and compensate
1396 expert witnesses, administer oaths, and hear testimony, either
1397 oral or documentary, for and against the accused. Hearings shall
1398 be conducted by a majority of the members of the board. A record



1399 of the hearing shall be made, which shall consist of all testimony
1400 received and all documents and other material introduced. If
1401 after the hearing the board is satisfied that the accused has been
1402 guilty of the offense charged in the accusation, it shall
1403 thereupon, without further notice, order such disciplinary action
1404 as it deems proper. All procedural due process requirements as
1405 enumerated above also shall apply to any other license or permit
1406 issued by the board under this chapter or regulations duly adopted
1407 by the board.

1408 **SECTION 10.** Section 73-9-65, Mississippi Code of 1972, is
1409 amended as follows:

1410 73-9-65. No disciplinary action against a licensee shall be
1411 taken until the accused has been furnished a statement of the
1412 charges against him or her and a notice of the time and place of
1413 hearing thereof. The accused may be present at the hearing in
1414 person, by counsel, or both. The board may, for good cause shown,
1415 reinstate any license or compact license privilege revoked or
1416 suspended. The procedure for the reinstatement of a license that
1417 is suspended for being out of compliance with an order for
1418 support, as defined in Section 93-11-153, shall be governed by
1419 Section 93-11-157 or 93-11-163, as the case may be. The right to
1420 appeal any disciplinary actions of the board regarding the license
1421 or compact license privilege of any dentist or dental hygienist is
1422 granted. The appeal shall be to the chancery court of the county
1423 in which the dentist or dental hygienist resides, except where the



1424 dentist or dental hygienist does not reside in the State of
1425 Mississippi, in which case the appeal shall be to the Chancery
1426 Court of the First Judicial District of Hinds County, Mississippi.
1427 The appeal must be taken within thirty (30) days after notice of
1428 the action of the board. The appeal is perfected upon filing a
1429 notice of appeal, together with a bond in the sum of One Hundred
1430 Dollars (\$100.00), with two (2) sureties, conditioned that if the
1431 action of the board regarding the license is affirmed by the
1432 chancery court the dentist or dental hygienist will pay the costs
1433 of the appeal and the action in the chancery court. Those bonds
1434 shall be approved by the president of the board. In lieu of the
1435 bond, the dentist or dental hygienist may deposit One Hundred
1436 Dollars (\$100.00) with the clerk of the chancery court. If there
1437 is an appeal, the appeal may, in the discretion of and on motion
1438 to the chancery court, act as a supersedeas. The chancery court
1439 shall dispose of the appeal and enter its decision promptly. The
1440 hearing on the appeal may, in the discretion of the chancellor, be
1441 tried in vacation. Appeals may be had to the Supreme Court of the
1442 State of Mississippi as provided by law from any final action of
1443 the chancery court. No such person shall be allowed to practice
1444 dentistry or dental hygiene or deliver health care services in
1445 violation of any action of the chancery court while any such
1446 appeal to the Supreme Court is pending. All procedural appeal
1447 requirements as enumerated above also shall apply to any other



1448 license or permit issued by the board under this chapter or
1449 regulations duly adopted by the board.

1450 Actions taken by the board in suspending a license when
1451 required by Section 93-11-157 or 93-11-163 are not actions from
1452 which an appeal may be taken under this section. Any appeal of a
1453 license suspension that is required by Section 93-11-157 or
1454 93-11-163 shall be taken in accordance with the appeal procedure
1455 specified in Section 93-11-157 or 93-11-163, as the case may be,
1456 rather than the procedure specified in this section.

1457 **SECTION 11.** This act shall take effect and be in force from
1458 and after July 1, 2025.

