

By: Representatives Felsher, Creekmore IV

To: Public Health and Human  
ServicesHOUSE BILL NO. 674  
(As Passed the House)

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



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

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

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

(d) The liability of the executive director and employees of the Commission or representatives of the Commission, acting within the scope of such person's employment or duties for acts, errors or omissions occurring within such person's state may not exceed 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



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

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

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

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

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



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

## **SECTION 16.**

### **WITHDRAWAL**

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

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

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

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

(e) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the Compact or 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





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

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

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

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

805 (i) A regularly licensed and registered dentist from  
806 the delegation of procedures to a regularly licensed and  
807 registered dental hygienist or other competent dental auxiliary  
808 personnel while acting under the direct supervision, or under the  
809 general supervision if authorized under Section 73-9-5, and full  
810 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



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

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

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

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



73-9-13. The State Board of Dental Examiners shall each year elect from their number a president, vice president and secretary-treasurer to serve for the coming year and until their successors are qualified. Only dentist members of the board may hold the offices of president and vice president. The board shall have a seal with appropriate wording to be kept at the offices of the board. The secretary and the executive director of the board shall be required to make bond in such sum and with such surety as the board may determine. It shall be the duty of the executive director to keep a complete record of the acts and proceedings of the board and to preserve all papers, documents and correspondence received by the board relating to its duties and office.

The board shall have the following powers and duties:

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

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



884           (c) To make rules and regulations by which clinical  
885 facilities within institutions, schools, colleges, universities  
886 and other agencies may be recognized and approved for the practice  
887 of dentistry or of dental hygiene by unlicensed persons therein,  
888 as a precondition to their being excepted from the dental practice  
889 act and authorized in accordance with Section 73-9-3(g) and (h).

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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



956           73-9-41. (1) No person shall practice, attempt to practice  
957 or offer to practice dentistry or dental hygiene within the state  
958 without first having been authorized and issued a license or  
959 compact license privilege by the board; nor shall any person  
960 practice, attempt to practice, or offer to practice dentistry or  
961 dental hygiene within the state during any period of suspension of  
962 his or her license or compact license privilege by the board or  
963 after revocation or being voided for failure to reregister by the  
964 board of any license or compact license privilege previously  
965 issued to the offending person.

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

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

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

978                   (c) Constructing or supplying dentures from impressions  
979 or casts without the work authorization or prescription of a





person licensed under the laws of this state to practice dentistry.

(3) The fact that any person engages in or performs or offers to engage in or performs any of the practices, acts or 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



1005 found to have practiced dentistry or dental hygiene without the  
1006 benefit of a current, valid license or compact license privilege  
1007 having been issued by the board under the provisions of this  
1008 chapter, as follows:

1009 (a) For the first violation, a monetary penalty of not  
1010 more than Five Hundred Dollars (\$500.00).

1011 (b) For the second violation, a monetary penalty of not  
1012 more than One Thousand Dollars (\$1,000.00).

1013 (c) For the third and any subsequent violations, a  
1014 monetary penalty of not more than Five Thousand Dollars  
1015 (\$5,000.00).

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



1030 by the board shall be deposited into the special fund of the  
1031 board.

1032 (6) No person practicing dentistry or dental hygiene without  
1033 a current valid license or compact license privilege shall have  
1034 the right to receive any compensation for services so rendered.  
1035 In addition to any other penalties imposed under this section, any  
1036 person who practices dentistry or dental hygiene without a license  
1037 or compact license privilege shall return any fees collected for  
1038 practicing dentistry or dental hygiene and shall be liable for any  
1039 damages resulting from negligent conduct. The board or any  
1040 patient shall have the right to enforce the obligation provided in  
1041 this section.

1042 **SECTION 7.** Section 73-9-43, Mississippi Code of 1972, is  
1043 amended as follows:

1044 73-9-43. (1) The secretary or executive director shall  
1045 collect in advance all fees provided for in this chapter as  
1046 established by the board, not to exceed:

1047	Application for dental license .....	\$ 600.00
1048	Application for dental license through	
1049	credentials .....	2,500.00
1050	Application for dental specialty license .....	400.00
1051	Application for dental institutional,	
1052	teaching or provisional license .....	600.00
1053	Application for dental hygiene license .....	400.00
1054	Application for dental hygiene license through	



1055	credentials .....	750.00
1056	Application for dental hygiene institutional,	
1057	teaching or provisional license .....	400.00
1058	Application for general anesthesia permit .....	400.00
1059	Application for I.V. sedation permit .....	400.00
1060	Application for radiology permit .....	100.00
1061	Dental license renewal .....	300.00
1062	Dental specialty license renewal .....	200.00
1063	Dental institutional, teaching or	
1064	provisional license renewal .....	300.00
1065	Dental hygiene license renewal .....	150.00
1066	Dental hygiene institutional, teaching or	
1067	provisional license renewal .....	150.00
1068	General anesthesia permit renewal .....	200.00
1069	I.V. sedation permit renewal .....	200.00
1070	Radiology permit renewal .....	75.00
1071	Penalty for delinquent renewal of dental licenses;	
1072	dental specialty licenses; and dental	
1073	institutional, teaching and provisional	
1074	licenses:	
1075	First month (plus renewal fee) .....	100.00
1076	Second month (plus renewal fee) .....	150.00
1077	Penalty for delinquent renewal of dental hygiene	
1078	licenses and dental hygiene institutional,	
1079	teaching and provisional licenses:	



1080	First month (plus renewal fee) .....	50.00
1081	Second month (plus renewal fee) .....	75.00
1082	Penalty for delinquent renewal of radiology permits:	
1083	First month (plus renewal fee) .....	45.00
1084	Second month (plus renewal fee) .....	65.00
1085	Penalty for nonnotification of change of address .....	50.00
1086	Penalty for duplicate renewal forms and	
1087	certification cards .....	50.00
1088	Duplicate or replacement license or permit .....	40.00
1089	Certification of licensure status .....	40.00
1090	Certified copy of license or permit .....	40.00
1091	Handling fee for nonsufficient funds check .....	50.00
1092	Requests for database information .....	300.00
1093	Radiology examinations administered in board's	
1094	office .....	100.00
1095	Dental and dental hygiene licensure examination	
1096	manuals .....	50.00
1097	Dental and dental hygiene licensure by	
1098	credentials packets .....	50.00
1099	Laws and/or regulations .....	50.00
1100	Disciplinary action orders .....	25.00
1101	Newsletters .....	20.00
1102	(2) The board may enact and enforce for delinquency in	
1103	payment for any fees set out in this section a penalty in addition	
1104	to the fee of an amount up to but not in excess of the fee. An	



1105 additional fee of an amount equal to the first penalty may be  
1106 assessed for each thirty (30) days, or part thereof, of  
1107 delinquency. If any license or permit holder is delinquent in  
1108 payment of renewal fees exceeding sixty (60) days from the initial  
1109 renewal deadline as set by the board, the person shall be presumed  
1110 to be no longer practicing, shall be stricken from the rolls and  
1111 shall be deemed an illegal practitioner, subject to the penalties  
1112 as enumerated in Section 73-9-41. In order to practice his or her  
1113 profession in this state thereafter, the person may, at the  
1114 discretion of the board, be considered as a new applicant and  
1115 subject to examination and other licensing requirements as an  
1116 original applicant.

1117 (3) The secretary or executive director shall faithfully  
1118 account for all monies received by the board. All fees and any  
1119 other monies received by the board, except monetary penalties  
1120 collected under Section 73-9-61, shall be deposited in a special  
1121 fund that is created in the State Treasury and shall be used for  
1122 the implementation and administration of this chapter when  
1123 appropriated by the Legislature for that purpose. Any interest  
1124 earned on this special fund shall be credited by the State  
1125 Treasurer to the fund and shall not be paid into the State General  
1126 Fund. Any unexpended monies remaining in the special fund at the  
1127 end of a fiscal year shall not lapse into the State General Fund.

1128 (4) For conducting the initial and retake examinations of  
1129 applicants for licensure the secretary shall receive no more than



1130 Nine Hundred Dollars (\$900.00) per day for each examination, and  
1131 no other member shall receive more than Seven Hundred Dollars  
1132 (\$700.00) per day for each examination. The receipt of that  
1133 compensation shall not entitle members of the board to receive or  
1134 be eligible for any state employee group insurance, retirement or  
1135 other fringe benefits. Any fees or income other than the maximum  
1136 allowable for examining applicants for licensure as set out above  
1137 shall be accounted for and may be used as needed in carrying out  
1138 the provisions of this chapter.

1139 (5) A portion of the fee charged for license renewal of  
1140 dentists and dental hygienists may be used to support a program to  
1141 aid impaired dentists and/or dental hygienists. The payment of  
1142 per diem and expense for attending board meetings shall be in  
1143 addition to the compensation permitted above for examining  
1144 applicants for licensure, and the per diem shall not exceed the  
1145 amount provided in Section 25-3-69.

1146 (6) The duration of a compact license privilege and the  
1147 application and renewal fees shall be as specified in rules issued  
1148 by the Interstate Dental and Dental Hygiene Compact Licensure  
1149 Commission created in Section 1 of this act.

1150 **SECTION 8.** Section 73-9-61, Mississippi Code of 1972, is  
1151 amended as follows:

1152 73-9-61. (1) Upon satisfactory proof, and in accordance  
1153 with statutory provisions elsewhere set out for such hearings and  
1154 protecting the rights of the accused as well as the public, the



1155 State Board of Dental Examiners may deny the issuance or renewal  
1156 of a license or compact license privilege or may revoke or suspend  
1157 the license or compact license privilege of any \* \* \* dentist or  
1158 dental hygienist practicing in the State of Mississippi, or take  
1159 any other action in relation to the license or compact license  
1160 privilege as the board may deem proper under the circumstances,  
1161 for any of the following reasons:

1162 (a) Misrepresentation in obtaining a license or compact  
1163 license privilege, or attempting to obtain, obtaining, attempting  
1164 to renew or renewing a license, compact license privilege or  
1165 professional credential by making any material misrepresentation,  
1166 including the signing in his or her professional capacity any  
1167 certificate that is known to be false at the time he or she makes  
1168 or signs the certificate.

1169 (b) Willful violation of any of the rules or  
1170 regulations duly promulgated by the board, or of any of the rules  
1171 or regulations duly promulgated by the appropriate dental  
1172 licensure agency of another state or jurisdiction.

1173 (c) Being impaired in the ability to practice dentistry  
1174 or dental hygiene with reasonable skill and safety to patients by  
1175 reason of illness or use of alcohol, drugs, narcotics, chemicals,  
1176 or any other type of material or as a result of any mental or  
1177 physical condition.





1178           (d) Administering, dispensing or prescribing any  
1179 prescriptive medication or drug outside the course of legitimate  
1180 professional dental practice.

1181           (e) Being convicted or found guilty of or entering a  
1182 plea of nolo contendere to, regardless of adjudication, a  
1183 violation of any federal or state law regulating the possession,  
1184 distribution or use of any narcotic drug or any drug considered a  
1185 controlled substance under state or federal law, a certified copy  
1186 of the conviction order or judgment rendered by the trial court  
1187 being prima facie evidence thereof, notwithstanding the pendency  
1188 of any appeal.

1189           (f) Practicing incompetently or negligently, regardless  
1190 of whether there is actual harm to the patient.

1191           (g) Being convicted or found guilty of or entering a  
1192 plea of nolo contendere to, regardless of adjudication, a crime in  
1193 any jurisdiction that relates to the practice of dentistry or  
1194 dental hygiene, a certified copy of the conviction order or  
1195 judgment rendered by the trial court being prima facie evidence  
1196 thereof, notwithstanding the pendency of any appeal.

1197           (h) Being convicted or found guilty of or entering a  
1198 plea of nolo contendere to, regardless of adjudication, a felony  
1199 in any jurisdiction, a certified copy of the conviction order or  
1200 judgment rendered by the trial court being prima facie evidence  
1201 thereof, notwithstanding the pendency of any appeal.



1202           (i) Delegating professional responsibilities to a  
1203 person who is not qualified by training, experience or licensure  
1204 to perform them.

1205           (j) The refusal of a licensing authority of another  
1206 state or jurisdiction to issue or renew a license, permit or  
1207 certificate to practice dentistry or dental hygiene in that  
1208 jurisdiction or the revocation, suspension or other restriction  
1209 imposed on a license, permit or certificate issued by the  
1210 licensing authority that prevents or restricts practice in that  
1211 jurisdiction, a certified copy of the disciplinary order or action  
1212 taken by the other state or jurisdiction being prima facie  
1213 evidence thereof, notwithstanding the pendency of any appeal.

1214           (k) Surrender of a license or authorization to practice  
1215 dentistry or dental hygiene in another state or jurisdiction when  
1216 the board has reasonable cause to believe that the surrender is  
1217 made to avoid or in anticipation of a disciplinary action.

1218           (l) Any unprofessional conduct to be determined by the  
1219 board on a case-by-case basis, which shall include, but not be  
1220 restricted to, the following:

1221                   (i) Committing any crime involving moral  
1222 turpitude.

1223                   (ii) Practicing deceit or other fraud upon the  
1224 public.

1225                   (iii) Practicing dentistry or dental hygiene under  
1226 a false or assumed name.



1227                   (iv) Advertising that is false, deceptive or  
1228 misleading.

1229                   (v) Announcing a specialized practice shall be  
1230 considered advertising that tends to deceive or mislead the public  
1231 unless the dentist announcing as a specialist conforms to other  
1232 statutory provisions and the duly promulgated rules or regulations  
1233 of the board pertaining to practice of dentistry in the State of  
1234 Mississippi.

1235                   (m) Failure to provide and maintain reasonable sanitary  
1236 facilities and conditions or failure to follow board rules  
1237 regarding infection control.

1238                   (n) Committing any act which would constitute sexual  
1239 misconduct upon a patient or upon ancillary staff. For purposes  
1240 of this subsection, the term sexual misconduct means:

1241                   (i) Use of the licensee-patient relationship to  
1242 engage or attempt to engage the patient in sexual activity; or

1243                   (ii) Conduct of a licensee that is intended to  
1244 intimidate, coerce, influence or trick any person employed by or  
1245 for the licensee in a dental practice or educational setting for  
1246 the purpose of engaging in sexual activity or activity intended  
1247 for the sexual gratification of the licensee.

1248                   (o) Violation of a lawful order of the board previously  
1249 entered in a disciplinary or licensure hearing; failure to  
1250 cooperate with any lawful request or investigation by the board;  
1251 or failure to comply with a lawfully issued subpoena of the board.



1252 (p) Willful, obstinate and continuing refusal to  
1253 cooperate with the board in observing its rules and regulations in  
1254 promptly paying all legal license or other fees required by law.

1255 (q) Practicing dentistry or dental hygiene while the  
1256 person's license or compact license privilege is suspended.

1257 (r) Violation(s) of the provisions of Sections 41-121-1  
1258 through 41-121-9 relating to deceptive advertisement by health  
1259 care practitioners. This paragraph shall stand repealed on July  
1260 1, 2025.

1261 (2) In lieu of revocation of a license or compact license  
1262 privilege as provided for above, the board may suspend the license  
1263 or compact license privilege of the offending dentist or dental  
1264 hygienist, suspend the sedation permit of the offending dentist,  
1265 or take any other action in relation to his or her license or  
1266 compact license privilege as the board may deem proper under the  
1267 circumstances.

1268 (3) When a license or compact license privilege to practice  
1269 dentistry or dental hygiene is revoked or suspended by the board,  
1270 the board may, in its discretion, stay the revocation or  
1271 suspension and simultaneously place the licensee on probation upon  
1272 the condition that the licensee shall not violate the laws of the  
1273 State of Mississippi pertaining to the practice of dentistry or  
1274 dental hygiene and shall not violate the rules and regulations of  
1275 the board and shall not violate any terms in relation to his or



1276 her license or compact license privilege as may be set by the  
1277 board.

1278 (4) In a proceeding conducted under this section by the  
1279 board for the denial, revocation or suspension of a license or  
1280 compact license privilege to practice dentistry or dental hygiene,  
1281 the board shall have the power and authority for the grounds  
1282 stated for that denial, revocation or suspension, and in addition  
1283 thereto or in lieu of that denial, revocation or suspension may  
1284 assess and levy upon any person who is licensed or holds a compact  
1285 license privilege to practice dentistry or dental hygiene in the  
1286 State of Mississippi, a monetary penalty, as follows:

1287 (a) For the first violation of any of \* \* \* paragraph  
1288 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
1289 subsection (1) of this section, a monetary penalty of not less  
1290 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars  
1291 (\$500.00).

1292 (b) For the second violation of any of \* \* \* paragraph  
1293 (a), (b), (c), (d), (f), (i), (l), (m), (n), (o) or (q) of  
1294 subsection (1) of this section, a monetary penalty of not less  
1295 than One Hundred Dollars (\$100.00) nor more than One Thousand  
1296 Dollars (\$1,000.00).

1297 (c) For the third and any subsequent violation of any  
1298 of \* \* \* paragraph (a), (b), (c), (d), (f), (i), (l), (m), (n),  
1299 (o) or (q) of subsection (1) of this section, a monetary penalty



1300 of not less than Five Hundred Dollars (\$500.00) and not more than  
1301 Five Thousand Dollars (\$5,000.00).

1302 (d) For any violation of any of \* \* \* paragraphs (a)  
1303 through (q) of subsection (1) of this section, those reasonable  
1304 costs that are expended by the board in the investigation and  
1305 conduct of a proceeding for licensure revocation or suspension,  
1306 including, but not limited to, the cost of process service, court  
1307 reporters, expert witnesses and investigators.

1308 (5) The power and authority of the board to assess and levy  
1309 monetary penalties under this section shall not be affected or  
1310 diminished by any other proceeding, civil or criminal, concerning  
1311 the same violation or violations except as provided in this  
1312 section.

1313 (6) A licensee shall have the right of appeal from the  
1314 assessment and levy of a monetary penalty as provided in this  
1315 section under the same conditions as a right of appeal is provided  
1316 elsewhere for appeals from an adverse ruling, order or decision of  
1317 the board.

1318 (7) Any monetary penalty assessed and levied under this  
1319 section shall not take effect until after the time for appeal has  
1320 expired. In the event of an appeal, the appeal shall act as a  
1321 supersedeas.

1322 (8) A monetary penalty assessed and levied under this  
1323 section shall be paid to the board by the licensee upon the  
1324 expiration of the period allowed for appeal of those penalties



1325 under this section or may be paid sooner if the licensee elects.  
1326 With the exception of subsection (4)(d) of this section, monetary  
1327 penalties collected by the board under this section shall be  
1328 deposited to the credit of the General Fund of the State Treasury.  
1329 Any monies collected by the board under subsection (4)(d) of this  
1330 section shall be deposited into the special fund operating account  
1331 of the board.

1332 (9) When payment of a monetary penalty assessed and levied  
1333 by the board against a licensee in accordance with this section is  
1334 not paid by the licensee when due under this section, the board  
1335 shall have power to institute and maintain proceedings in its name  
1336 for enforcement of payment in the chancery court of the county and  
1337 judicial district of residence of the licensee, and if the  
1338 licensee is a nonresident of the State of Mississippi, the  
1339 proceedings shall be in the Chancery Court of the First Judicial  
1340 District of Hinds County, Mississippi.

1341 (10) In addition to the reasons specified in subsection (1)  
1342 of this section, the board shall be authorized to suspend the  
1343 license of any licensee for being out of compliance with an order  
1344 for support, as defined in Section 93-11-153. The procedure for  
1345 suspension of a license for being out of compliance with an order  
1346 for support, and the procedure for the reissuance or reinstatement  
1347 of a license suspended for that purpose, and the payment of any  
1348 fees for the reissuance or reinstatement of a license suspended  
1349 for that purpose, shall be governed by Section 93-11-157 or



1350 93-11-163, as the case may be. If there is any conflict between  
1351 any provision of Section 93-11-157 or 93-11-163 and any provision  
1352 of this chapter, the provisions of Section 93-11-157 or 93-11-163,  
1353 as the case may be, shall control.

1354 (11) All grounds for disciplinary action, including  
1355 imposition of fines and assessment of costs as enumerated above,  
1356 shall also apply to any other license or permit issued by the  
1357 board under this chapter or regulations duly adopted by the board.

1358 **SECTION 9.** Section 73-9-63, Mississippi Code of 1972, is  
1359 amended as follows:

1360 73-9-63. A complaint may be filed with the secretary or  
1361 executive director of the board, by any person charging a licensed  
1362 dentist or dental hygienist or dentist or dental hygienist who  
1363 holds a compact license privilege with the commission of any of  
1364 the offenses enumerated in Section 73-9-61. The complaint shall  
1365 be in writing and signed by the accuser, or accusers. If upon  
1366 review of the complaint, the board determines that there is not  
1367 substantial justification to believe that the accused dentist or  
1368 dental hygienist has committed any of the offenses enumerated in  
1369 the preceding section, it may dismiss the complaint. In the event  
1370 of a dismissal, the person filing the complaint and the accused  
1371 dentist or dental hygienist shall be given written notice of the  
1372 board's determination. If the board determines there is  
1373 reasonable cause to believe the accused has committed the  
1374 offenses, and a hearing should be held to determine the validity





1375 of the complaint, the executive director of the board shall set a  
1376 day for a hearing, and shall notify the accused that on the day  
1377 fixed for hearing he or she may appear and show cause, if any, why  
1378 his or her license or compact license privilege to practice  
1379 dentistry or dental hygiene in the state should not be revoked or  
1380 have other disciplinary action taken against it. The notice shall  
1381 be served upon the dentist or dental hygienist either personally  
1382 or by registered or certified mail with return receipt requested.  
1383 The board may, by regulation, establish an investigative panel  
1384 consisting of at least two (2) people, one (1) of whom shall be a  
1385 board member, to review complaints to determine the existence of  
1386 probable cause and whether the complaints should proceed to formal  
1387 hearing.

1388       Nothing in this section shall prevent the board from  
1389 determining that it should investigate a licensee without a signed  
1390 complaint provided that a prior determination is made that  
1391 probable cause exists that a violation of this chapter may have  
1392 occurred.

1393       For the purpose of the hearings or investigation of  
1394 complaints, the board is empowered to require the attendance of  
1395 witnesses, reimburse witnesses for necessary expenses and mileage  
1396 incurred, subpoena documents and records, employ and compensate  
1397 expert witnesses, administer oaths, and hear testimony, either  
1398 oral or documentary, for and against the accused. Hearings shall  
1399 be conducted by a majority of the members of the board. A record



1400 of the hearing shall be made, which shall consist of all testimony  
1401 received and all documents and other material introduced. If  
1402 after the hearing the board is satisfied that the accused has been  
1403 guilty of the offense charged in the accusation, it shall  
1404 thereupon, without further notice, order such disciplinary action  
1405 as it deems proper. All procedural due process requirements as  
1406 enumerated above also shall apply to any other license or permit  
1407 issued by the board under this chapter or regulations duly adopted  
1408 by the board.

1409       **SECTION 10.** Section 73-9-65, Mississippi Code of 1972, is  
1410 amended as follows:

1411       73-9-65. No disciplinary action against a licensee shall be  
1412 taken until the accused has been furnished a statement of the  
1413 charges against him or her and a notice of the time and place of  
1414 hearing thereof. The accused may be present at the hearing in  
1415 person, by counsel, or both. The board may, for good cause shown,  
1416 reinstate any license or compact license privilege revoked or  
1417 suspended. The procedure for the reinstatement of a license that  
1418 is suspended for being out of compliance with an order for  
1419 support, as defined in Section 93-11-153, shall be governed by  
1420 Section 93-11-157 or 93-11-163, as the case may be. The right to  
1421 appeal any disciplinary actions of the board regarding the license  
1422 or compact license privilege of any dentist or dental hygienist is  
1423 granted. The appeal shall be to the chancery court of the county  
1424 in which the dentist or dental hygienist resides, except where the



1425 dentist or dental hygienist does not reside in the State of  
1426 Mississippi, in which case the appeal shall be to the Chancery  
1427 Court of the First Judicial District of Hinds County, Mississippi.  
1428 The appeal must be taken within thirty (30) days after notice of  
1429 the action of the board. The appeal is perfected upon filing a  
1430 notice of appeal, together with a bond in the sum of One Hundred  
1431 Dollars (\$100.00), with two (2) sureties, conditioned that if the  
1432 action of the board regarding the license is affirmed by the  
1433 chancery court the dentist or dental hygienist will pay the costs  
1434 of the appeal and the action in the chancery court. Those bonds  
1435 shall be approved by the president of the board. In lieu of the  
1436 bond, the dentist or dental hygienist may deposit One Hundred  
1437 Dollars (\$100.00) with the clerk of the chancery court. If there  
1438 is an appeal, the appeal may, in the discretion of and on motion  
1439 to the chancery court, act as a supersedeas. The chancery court  
1440 shall dispose of the appeal and enter its decision promptly. The  
1441 hearing on the appeal may, in the discretion of the chancellor, be  
1442 tried in vacation. Appeals may be had to the Supreme Court of the  
1443 State of Mississippi as provided by law from any final action of  
1444 the chancery court. No such person shall be allowed to practice  
1445 dentistry or dental hygiene or deliver health care services in  
1446 violation of any action of the chancery court while any such  
1447 appeal to the Supreme Court is pending. All procedural appeal  
1448 requirements as enumerated above also shall apply to any other



1449 license or permit issued by the board under this chapter or  
1450 regulations duly adopted by the board.

1451       Actions taken by the board in suspending a license when  
1452 required by Section 93-11-157 or 93-11-163 are not actions from  
1453 which an appeal may be taken under this section. Any appeal of a  
1454 license suspension that is required by Section 93-11-157 or  
1455 93-11-163 shall be taken in accordance with the appeal procedure  
1456 specified in Section 93-11-157 or 93-11-163, as the case may be,  
1457 rather than the procedure specified in this section.

1458       **SECTION 11.** This act shall take effect and be in force from  
1459 and after July 1, 2025.

