

By: Senator(s) Bryan

To: Public Health and
Welfare

SENATE BILL NO. 2692

1 AN ACT TO ENACT INTO LAW THE INTERSTATE DENTAL AND DENTAL
2 HYGIENE LICENSURE COMPACT AND PROVIDE THAT THE STATE OF
3 MISSISSIPPI ENTER THE COMPACT WITH OTHER STATES THAT JOIN IN THE
4 COMPACT; TO PROVIDE THAT THE PURPOSE OF THE COMPACT IS TO EXPEDITE
5 LICENSURE AND INCREASE ACCESS TO DENTAL HEALTH CARE THROUGH
6 LICENSURE BOARDS ACTING IN COOPERATION; TO DEFINE TERMS; TO CREATE
7 A COMPACT AND COMMISSION; TO SET FORTH DUTIES OF COMPACT MEMBER
8 STATES AND POWERS AND DUTIES OF THE COMMISSION; TO SET FORTH
9 APPLICATION AND ELIGIBILITY REQUIREMENTS AND MATTERS RELATED TO
10 COMPACT LICENSE PRIVILEGE ISSUANCE; TO PROVIDE FOR JURISDICTION
11 OVER COMPACT LICENSE PRIVILEGE HOLDERS, FEES, MILITARY WAIVER,
12 INVESTIGATIONS, INFORMATION REQUESTS, RULEMAKING FUNCTIONS OF THE
13 COMMISSION, COMPACT OVERSIGHT, ENFORCEMENT AND PROCEDURES, DISPUTE
14 RESOLUTION, MEMBER STATE ELIGIBILITY, EFFECTIVE DATE OF THE
15 COMPACT, WITHDRAWAL, COMPACT DISSOLUTION, SEVERABILITY AND
16 CONSTRUCTION OF THE COMPACT PROVISIONS, BINDING EFFECT OF THE
17 COMPACT AND RULES OF ORDER TO BE APPLIED AT MEETINGS; TO AMEND
18 SECTIONS 73-9-1, 73-9-23, 73-9-35 AND 73-9-41, MISSISSIPPI CODE OF
19 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
20 PURPOSES.

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

22 WHEREAS, the Interstate Dental and Dental Hygiene Licensure
23 Compact is hereby enacted into law, and the Governor shall enter
24 into a compact on behalf of the State of Mississippi with any
25 jurisdiction legally joined therein, in the form substantially as
26 set forth in this act.



27 **SECTION 1.** **Purpose.** (1) This compact shall be known as the
28 "Interstate Dental and Dental Hygiene Licensure Compact," and the
29 purpose of the compact is to expedite licensure and increase
30 access to dental health care through licensure boards acting in
31 cooperation. The compact adopts the existing structures most
32 utilized by dental boards across the United States, while ensuring
33 the safety of the public through the sharing of documents and
34 information. This compact ensures that each state retains the
35 right to impose an adverse action on a licensee as a home state or
36 as a practicing state. Each state has an opportunity to share
37 investigations and information with the home state of licensure.
38 The compact is operated by state dental board members,
39 administrators and other staff, thus allowing for each state to
40 maintain its sovereignty.

41 (2) The compact:

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

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

46 (c) Creates a common goal of protecting the public by
47 ensuring a uniform licensure standard and sharing of information
48 in the compact;

49 (d) Allows for licensure in every participating state
50 by requiring passage of the uniform licensure examination that
51 assesses psychomotor and cognitive dental skills and is currently



accepted in fifty (50) state licensing jurisdictions and United States territories;

(e) Gives licensees one (1) location to maintain professional documentation to expedite license transfers in 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. (1) "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 10th, 1896, and renewed in 1944, comprised of state dental boards in the United States and its territories.

(2) "Attorneys' committee" means the committee of attorneys who currently represent a member state dental board. The attorneys' committee shall designate one of its members to participate in the commission as a non-voting 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 interest. The attorneys' committee may assist the investigators in working through joint investigation issues between states.

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

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

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

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



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

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

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

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

(11) "Commissioners" means the two (2) members chosen by each member state dental board to serve as the voting members of the commission.

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

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

(14) "Conviction" means an adjudication or formal judgment by a court that an individual is guilty through a plea of guilty or no contest, or a finding of guilt by the court. Evidence of a conviction of a criminal offense by the court shall be considered



final for the purposes of considering or imposing disciplinary action by a member state dental board.

(15) "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 731.202.

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

(a) Has successfully graduated from a CODA-approved dental hygiene school;

(b) Has successfully passed the ADEX Dental Hygiene Licensure Examination; or has been in practice 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;

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

(d) Possesses a full and unrestricted dental hygiene license issued by a member state;

(e) 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;



151 (f) Has never been a subject of discipline by a
152 licensing agency through any adverse action, order, or other
153 restriction of the licensee by a licensing agency, with the
154 exception of failure to pay fees or failure to complete continuing
155 education;

156 (g) Is not currently under active investigation by a
157 licensing agency or law enforcement authority in any state,
158 federal or foreign jurisdiction; and

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

162 (17) "Dental practice act" means the laws and regulations
163 governing the practice of dentistry within a member state.

164 (18) "Dentist" means any person who:

165 (a) Has successfully graduated from a CODA-approved
166 dental school;

167 (b) Has successfully passed the ADEX Dental Licensure
168 Exam; or has been in practice five (5) years or more and has
169 successfully passed a regional board examination or equivalent
170 state-administered psychomotor licensure examination prior to
171 January 1, 2024;

172 (c) Has successfully passed the written National Dental
173 Board Exam administered by the Joint Commission on National Dental
174 Examinations;



(d) Possesses a full and unrestricted dental license issued by a member state dental board;

(e) 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;

(f) 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;

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

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

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

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

(20) "License" means the authorization by a licensing authority for a dentist or dental hygienist to engage in the



unrestricted practice of dentistry or dental hygiene, which would be unlawful without such license.

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

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

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

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

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



(26) "Repository" means the repository of original 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.

(27) "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.

(28) "State" means a state within the United States or a United States Territory.

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

SECTION 3. **Compact and commission.** (1) The member states hereby 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.

(2) 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.

(3) Upon five (5) states joining the compact, the compact shall become active. The commission shall adopt bylaws upon becoming active.

(4) 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.

(5) 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-year terms.

(6) Quorum for purposes of conducting business shall be a majority of commissioners attending in person or virtually.

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

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



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

276 (b) Matters specifically exempted from disclosure by
277 federal statute;

278 (c) Information or matters involving law enforcement
279 agencies or information that accuses a person of a crime or a
280 public censure;

281 (d) Discussions that would include information of a
282 personal nature that would constitute an unwarranted invasion of
283 personal privacy;

284 (e) Anything considered internal practices and
285 procedures or a trade secret;

286 (f) Other items described in the commission bylaws
287 allowing for executive sessions to be called; or

288 (g) Advice of legal counsel.

289 (9) The commission shall keep minutes and make them
290 available to all member states.

291 (10) The commission may establish other committees as
292 needed.

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



299 **SECTION 4. Duties of compact member states.** (1) Member

300 states shall submit to the clearinghouse all member state dental
301 board actions and other documents and data as determined by the
302 commission.

303 (2) Member states shall notify the commission of any adverse
304 action taken by the member state dental board, any active
305 investigation by the member state dental board, any active
306 investigation involving pending criminal charges, or other
307 circumstance as determined by the commission.

308 (3) Any adverse action, order, restriction or denial of a
309 license or permit on a licensee or compact license privilege
310 holder shall be reported to the clearinghouse by the member state
311 dental board.

312 (4) Member state dental boards may submit to the
313 clearinghouse nonpublic complaints, or disciplinary or
314 investigatory information not required by paragraph (c) of this
315 section. All investigatory material shall be considered
316 confidential and not part of a public record unless otherwise
317 specifically required by state statute.

318 (5) Members states shall accept continuing education credits
319 as required or recognized by any other member state.

320 (6) Documents in the repository shall be treated by a member
321 state as the equivalent of a primary or original source document
322 for licensure.



(7) 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.

(8) 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.

(9) 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. (1) The commission shall have the duty and power to:

(a) 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;

(b) Promulgate bylaws and rules to operate the compact and the commission;

(c) Establish a budget and make expenditures;

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



(e) Issue, upon the request of a member state dental board, advisory opinions concerning the meaning or interpretation of the compact and its bylaws, rules, and actions;

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

(g) Hold an annual meeting for the commission where the elections of the executive committee and other issues may be discussed and voted on;

(h) Establish personnel policies and programs relating to conflicts of interest, and the rates of compensation and qualifications of personnel;

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

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

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



372 (2) The executive committee shall have the power to act on
373 behalf of the commission, with the exception of rulemaking, during
374 periods when the commission is not in session. When acting on
375 behalf of the commission, the executive committee shall oversee
376 the administration of the compact, including enforcement of and
377 compliance with the compact.

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

389 (4) The liability of the executive director and employees of
390 the commission or representatives of the commission, acting within
391 the scope of such person's employment or duties for acts, errors
392 or omissions occurring within such person's state may not exceed
393 the limits of liability set forth under the constitution and laws
394 of that state for state officials, employees and agents. The
395 commission shall be considered to be an instrumentality of the
396 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.

(5) 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.

(6) 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 attorneys' 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. (1) 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.

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

(a) 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

(b) If no state qualifies under paragraph (a) of this subsection (2), then the state that the dentist or dental hygienist listed as their state of residence on the previous year's federal tax return.

(3) 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.



(4) 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.

(5) 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.

(6) 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:

- (a) The compact application packet;
- (b) Authorization to seek access to the applicant's repository documents;
- (c) Any additional information that may be required by the proposed compact license privilege state; and
- (d) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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. (1) 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.

(2) Each licensee holding a compact license privilege shall be subject to the jurisdiction and authority of the member state dental board of the state in which such licensee practices, as if



they held a license issued from such member state dental board.
Such compact license privilege holder shall be deemed a "licensee"
of the member state dental board for purposes of such board taking
an adverse action.

(3) Each licensee holding a compact license privilege shall
list a current address with the commission that shall serve as
their official address of service.

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

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

(b) The licensee's home state; or

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

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

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

SECTION 8. **Fees and military waiver.** (1) The commission
shall issues rules regarding the use of the repository by each
holder of a compact license privilege.



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

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

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

SECTION 9. Joint investigations and disciplinary actions.

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

(2) Member state dental boards may participate with other member state dental boards in joint investigations of licensees that are subject to this compact.

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

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

(5) If a compact license privilege holder has an adverse action taken against them by any member state dental board, the



compact license privilege holder shall automatically be subject to similar discipline by other member state dental boards.

(6) 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.

(7) 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:

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

(b) 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. Other requests for information from the repository and the clearinghouse. (1) Insurance companies and entities verifying documents for the purpose of licenses extended to a dentist or dental hygienist may seek information from the clearinghouse for public record documents.



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

(3) The commission shall set a fee schedule for these services.

SECTION 11. Rulemaking functions of the commission. (1)

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

(2) Rules validly issued by the commission shall have the force of law in each member state.

(3) 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. (1) 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 hereunder shall have standing as statutory law, but shall not override existing state authority to regulate the practice of dentistry and dental hygiene.

(2) 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.

(3) 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. Enforcement and default procedures. (1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of the compact.

(2) The grounds for default under this compact by a member state include, but are not limited to, failure of a member state to perform such obligations or responsibilities imposed upon it by the compact or by the rules and bylaws of the commission promulgated under the compact.

(3) If the commission determines that a member state has defaulted in the performance of its obligations or



responsibilities under the compact, or the bylaws or promulgated rules, the commission shall:

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

(b) Provide remedial training and specific technical assistance regarding the default.

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

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

(6) The commission shall establish rules and procedures to address licenses and compact license privilege holders that are



645 materially impacted by the termination of a member state or the
646 withdrawal of a member state.

647 (7) The commission shall not bear any costs relating to any
648 state that has been found to be in default or which has been
649 terminated from the compact, unless otherwise mutually agreed upon
650 in writing between the commission and the defaulting state.

651 (8) The defaulting state may appeal the action of the
652 commission by petitioning the state court where the commission has
653 its principal offices. the prevailing party shall be awarded all
654 costs of such litigation, including reasonable attorneys' fees.

655 (9) The commission shall not bear any costs relating to any
656 state that has been found to be in default or which has been
657 terminated from the compact, unless otherwise mutually agreed upon
658 in writing between the commission and the defaulting state.

659 (10) The remedies herein shall not be the exclusive remedies
660 of the commission. The commission may avail itself of any other
661 remedies available under state law or the regulation of a
662 profession.

663 **SECTION 14. Dispute resolution.** (1) The commission shall
664 attempt, upon the request of a member state dental board, to
665 resolve disputes which are subject to the compact and which may
666 arise among member state dental boards.

667 (2) The commission shall promulgate rules providing for both
668 mediation and voluntary binding dispute resolution, as
669 appropriate.



670 **SECTION 15. Member states, effective date and amendment.**

671 (1) Any state is eligible to become a member state of the
672 compact.

673 (2) The compact shall become effective and binding upon
674 legislative enactment of the compact into law by no less than five
675 (5) states. Thereafter, it shall become effective and binding on
676 a state upon enactment of the compact into law by that state.

677 (3) The governors of non-member states, or their designees,
678 shall be invited to participate in the activities of the
679 commission on a nonvoting basis prior to adoption of the compact
680 by all states.

681 (4) The commission may propose amendments to the compact for
682 enactment by the member states. No amendment shall become
683 effective and binding upon the commission and the member states
684 unless and until it is enacted into law by unanimous consent of
685 the member states.

686 **SECTION 16. Withdrawal.** (1) Once effective, the compact

687 shall continue in force and remain binding upon each and every
688 member state; provided, however, that a member state may withdraw
689 from the compact after giving appropriate notice by specifically
690 repealing the statute which enacted the compact into law.

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



694 (3) The withdrawing state shall immediately notify the
695 chairperson of the commission in writing upon the introduction of
696 legislation repealing the compact by the withdrawing state, and
697 upon the enactment of such legislation.

698 (4) The commission shall notify the other member states
699 within sixty (60) days of its receipt of notice provided under
700 subsection (3) of this section.

701 (5) Reinstatement following withdrawal of a member state
702 shall occur upon the withdrawing state reenacting the compact or
703 upon such later date as determined by the commission.

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

708 **SECTION 17. Dissolution.** (1) The compact shall dissolve
709 effective upon the date of the withdrawal or default of the member
710 state which reduces the membership in the compact to one (1)
711 member state.

712 (2) Upon the dissolution of the compact, the compact shall
713 become null and void and shall be of no further force or effect,
714 and the business and affairs of the commission shall be concluded
715 and surplus funds shall be distributed in accordance with the
716 bylaws.

717 **SECTION 18. Severability and construction.** (1) The
718 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.

(2) The provisions of the compact shall be liberally construed to effectuate its purposes.

SECTION 19. Binding effect of compact and other laws. (1)

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

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

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

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

SECTION 20. Rules of order. The most current edition of the *American Institute of Parliamentarians Standard Code of Parliamentary Procedure* shall apply to all meetings of the commission, including its committees, in those situations not otherwise covered in the bylaws.

SECTION 21. 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 must hold a compact license privilege under Sections 1 through 20 of this act; 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 22. Section 73-9-23, Mississippi Code of 1972, is amended as follows:

73-9-23. (1) No person who desires to practice dentistry or dental hygiene in the State of Mississippi shall be licensed until that person has passed an examination by the board or holds a compact license privilege under Sections 1 through 20 of this act. Applicants for examination shall apply in writing to the board for an examination at least thirty (30) days before the examination and shall upon application pay a nonrefundable fee as elsewhere provided in this chapter.

(2) An applicant for licensure by examination as a dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association (ADA), or its successor commission, shall:

(a) Be of good moral character, be possessed of a high school education, and have attained the age of twenty-one (21) years;



767 (b) Exhibit with the application a diploma or
768 certificate of graduation from the ADA accredited dental school;
769 and

770 (c) Have successfully completed Parts I and II of the
771 National Board Examinations of the Joint Commission on National
772 Dental Examinations, or its successor commission, unless the
773 applicant graduated from an accredited dental school before 1960.

774 (3) An applicant for licensure by examination as a dentist
775 who is a graduate of a non-ADA accredited foreign country dental
776 school shall:

777 (a) Be of good moral character and have attained the
778 age of twenty-one (21) years;

779 (b) Be proficient in oral and written communications in
780 the English language;

781 (c) Have completed not less than six (6) academic years
782 of postsecondary study and graduated from a foreign dental school
783 that is recognized by the licensure authorities in that country;

784 (d) Have been licensed as a dentist or admitted to the
785 practice of dentistry in the foreign country in which the
786 applicant received foreign dental school training;

787 (e) Present documentation of having completed at least
788 two (2) or more years of full-time postdoctoral dental education
789 in a dental school accredited by the Commission on Dental
790 Accreditation of the American Dental Association, or its successor
791 commission, and has been certified by the dean of the accredited



dental school as having achieved the same level of didactic and clinical competence as expected of a graduate of the school; and

(f) Have successfully completed Parts I and II of the National Board Examinations of the Joint Commission on National Dental Examinations, or its successor commission, unless the applicant graduated from an approved dental school before 1960.

(4) An applicant for licensure by examination as a dental hygienist who is a graduate of a dental hygiene school accredited by the Commission on Dental Accreditation of the American Dental Association (ADA), or its successor commission, shall:

(a) Be of good moral character, be possessed of a high school education and have attained the age of eighteen (18) years;

(b) Exhibit with the application a diploma or certificate of graduation from the ADA accredited dental hygiene school; and

(c) Have successfully completed the National Board Dental Hygiene Examinations of the Joint Commission on National Dental Examinations, or its successor commission.

(5) An applicant for licensure by examination as a dental hygienist who is a graduate of a non-ADA accredited foreign country dental hygiene school shall:

(a) Be of good moral character and have attained the age of eighteen (18) years;

(b) Be proficient in oral and written communications in the English language;



817 (c) Have completed not less than two (2) academic years
818 of postsecondary study and graduated from a foreign dental hygiene
819 school that is recognized by the licensure authorities in that
820 country;

821 (d) Have been licensed as a dental hygienist or
822 admitted to the practice of dental hygiene in the foreign country
823 in which the applicant received foreign dental hygiene school
824 training;

825 (e) Present documentation of having completed at least
826 one or more years of full-time postgraduate clinical education in
827 a dental hygiene school accredited by the Commission on Dental
828 Accreditation of the American Dental Association, or its successor
829 commission, and has been certified by the dean of the accredited
830 dental hygiene school as having achieved the same level of
831 didactic and clinical competence as expected of a graduate of the
832 school; and

833 (f) Have successfully completed the National Board
834 Dental Hygiene Examinations of the Joint Commission on National
835 Dental Examinations, or its successor commission.

836 (6) Applications shall be made in the form and content as
837 required in this section and as shall be prescribed by the board,
838 and each applicant shall submit upon request such proof as the
839 board may require as to age, character and qualifications.
840 Applications must be signed by two (2) citizens of the state of
841 which the applicant is a resident, attesting under oath that the



842 applicant is of good moral character. All applicants for
843 licensure shall submit an endorsement from all states in which he
844 or she is currently licensed or has ever been licensed to practice
845 dentistry or dental hygiene. The board may disallow the licensure
846 examination to any applicant who has been found guilty of any of
847 the grounds for disciplinary action as enumerated in Section
848 73-9-61.

849 (7) Examination shall be as elsewhere provided in this
850 chapter and the board may by its rules and regulations prescribe
851 reasonable professional standards for oral, written, clinical and
852 other examinations given to applicants, and, if deemed necessary
853 by the board, include a requirement that licensure examinations of
854 applicants be conducted utilizing live human subjects. Each
855 applicant shall appear before the board and be examined to
856 determine his or her learning and skill in dentistry or dental
857 hygiene. If found by the members of the board conducting the
858 examination to possess sufficient learning and skill therein and
859 to be of good moral character, the board shall, as early as
860 practicable, grant to the person a license to practice dentistry
861 or dental hygiene, as the case may be, which shall be signed by
862 each member of the board who attended the examination and approved
863 the issuance of a license.

864 (8) The Board of Dental Examiners may, at its own
865 discretion, accept certification of a licensure applicant, either
866 dentist or dental hygienist, by the National Board Examinations of



867 the Joint Commission on National Dental Examinations, or its
868 successor commission, in lieu of the written examination.
869 However, in all such instances the board shall retain the right to
870 administer such further written and practical examinations and
871 demonstrations as it deems necessary.

872 (9) Each application or filing made under this section shall
873 include the social security number(s) of the applicant in
874 accordance with Section 93-11-64.

875 **SECTION 23.** Section 73-9-35, Mississippi Code of 1972, is
876 amended as follows:

877 73-9-35. The holder of either of the licenses provided for
878 in this chapter, or the holder of a compact license privilege
879 under Sections 1 through 20 of this act, shall at all times, upon
880 request, exhibit same to any member of the Board of Dental
881 Examiners, or his authorized agent or to any officer of the law.

882 **SECTION 24.** Section 73-9-41, Mississippi Code of 1972, is
883 amended as follows:

884 73-9-41. (1) No person shall practice, attempt to practice
885 or offer to practice dentistry or dental hygiene within the state
886 without first having been authorized and issued a license by the
887 board or without first holding a compact license privilege under
888 Sections 1 through 20 of this act; nor shall any person practice,
889 attempt to practice, or offer to practice dentistry or dental
890 hygiene within the state during any period of suspension of his or
891 her license by the board or after revocation or being voided for



failure to reregister by the board of any license previously issued to the offending person.

(2) A person who has never been issued a license to practice dentistry or dental hygiene, who does not hold a compact license privilege under Sections 1 through 20 of this act, or whose license has been suspended, voided or revoked by action of the board, shall not perform any act that would constitute the practice of dentistry or dental hygiene as defined in Sections 73-9-3 and 73-9-5, including, but not limited to, the following:

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

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

(c) Constructing or supplying dentures from impressions 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



917 secretary of the board may issue a summons to appear before the
918 board to any person or persons who the executive director or any
919 member of the board has probable cause to believe has violated
920 this section by practicing, attempting to practice, or offering to
921 practice dentistry or dental hygiene without a current, valid
922 license or permit and any necessary witnesses. The summons issued
923 by the board shall command each person to whom it is directed to
924 attend and give testimony at a time and place specified in the
925 summons. The summons shall be served upon the individual
926 personally or by any type of mailing requiring a return receipt
927 and shall include a statement of the charges and an explanation of
928 the manner in which the unlicensed person shall be required to
929 respond to the board.

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

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

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



940 (c) For the third and any subsequent violations, a
941 monetary penalty of not more than Five Thousand Dollars
942 (\$5,000.00).

943 (d) For any violation, the board may assess those
944 reasonable costs that are expended by the board in the
945 investigation and conduct of the hearing as provided in subsection
946 (4) of this section, including, but not limited to, the cost of
947 process service, court reporters, expert witnesses and other
948 witness expenses paid by the board, and investigators. Appeals
949 from the board's decision may be taken as provided in Section
950 73-9-65. Any monetary penalty or assessment levied under this
951 section shall be paid to the board by the illegal practitioner
952 upon the expiration of the period allowed for appealing those
953 penalties or may be paid sooner if the illegal practitioner
954 elects. Monetary penalties collected by the board under this
955 section shall be deposited to the credit of the General Fund of
956 the State Treasury. Any monies collected for assessment of costs
957 by the board shall be deposited into the special fund of the
958 board.

959 (6) No person practicing dentistry or dental hygiene without
960 a current valid license or compact license privilege under
961 Sections 1 through 20 of this act shall have the right to receive
962 any compensation for services so rendered. In addition to any
963 other penalties imposed under this section, any person who
964 practices dentistry or dental hygiene without a license or compact



965 license privilege under Sections 1 through 20 of this act shall
966 return any fees collected for practicing dentistry or dental
967 hygiene and shall be liable for any damages resulting from
968 negligent conduct. The board or any patient shall have the right
969 to enforce the obligation provided in this section.

970 **SECTION 25.** This act shall take effect and be in force from
971 and after July 1, 2025.

