

HOUSE BILL No. 1214

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-14; IC 25-14.1; IC 34-30-2.1-367.6.

Synopsis: Dental matters. Establishes the dentist and dental hygienist compact (compact). Provides the requirements states must follow in order to participate in the compact. Provides that dentists and dental hygienists may practice in participating states so long as the dentists and dental hygienists meet certain criteria. Provides that active military members and their spouses should pay reduced or no fees in order to practice in participating states. Establishes a governing commission and sets out its powers, duties, financing, and liability. Provides various mechanisms for the participating states and the governing commission to regulate the interstate practice of dentists and dental hygienists. Provides for various contingencies, including the process to effect, amend, enforce, withdraw from, or terminate the compact. Makes technical corrections. Clarifies when a person is practicing dentistry. Removes certain language regarding the regulation of dentists.

Effective: July 1, 2024.

Zent, Patterson

January 9, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1214

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-14-1-2, AS AMENDED BY P.L.249-2019,
2 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 2. (a) The state board of dentistry is established
4 and consists of:
5 (1) nine (9) practicing dentists licensed under IC 25-14 who must
6 have been in practice in Indiana for not less than ~~the~~ five (5)
7 years;
8 (2) one (1) practicing dental hygienist who:
9 (A) has been practicing in Indiana as a dental hygienist
10 (i) ~~in 2011 and 2012, for at least three (3) years; and~~
11 (ii) ~~after 2012, for at least five (5) years; and~~
12 (B) is licensed under IC 25-13-1; and
13 (3) one (1) member to represent the general public who must be
14 a resident to this state and in no way associated with the
15 profession of dentistry other than as a consumer.
16 ~~(b) All eleven (11) members of the board appointed before July 1,~~
17 ~~2019, shall be appointed by the governor for a term of three (3) years~~



- 1 each.
- 2 ~~(e)~~ (b) All eleven (11) members of the board appointed after June
 3 30, 2019, shall be appointed under IC 25-1-6.5.
- 4 ~~(d)~~ (c) A member of the board may be removed under IC 25-1-6.5-4.
- 5 ~~(e)~~ (d) The appointment of the dentist members shall be made in a
 6 manner that, at all times, each dentist member on the board represents
 7 and is a resident of one (1) of nine (9) examiner districts set forth in
 8 this subsection. Each dentist member shall be chiefly responsible in the
 9 performance of his or her duties with regard to the district from which
 10 he or she is appointed. The nine (9) dentist members' districts consist
 11 of the following counties:
- 12 (1) District 1. Tipton, Hamilton, Hendricks, Marion, Hancock,
 13 Morgan, Johnson, and Shelby.
- 14 (2) District 2. Lake, Porter, LaPorte, and Jasper.
- 15 (3) District 3. St. Joseph, Elkhart, Starke, Marshall, Kosciusko,
 16 and Fulton.
- 17 (4) District 4. LaGrange, Steuben, Jay, Noble, Whitley, Allen,
 18 Huntington, Wells, DeKalb, and Adams.
- 19 (5) District 5. Knox, Daviess, Gibson, Pike, Dubois, Posey,
 20 Vanderburgh, Warrick, Spencer, and Perry.
- 21 (6) District 6. Newton, Benton, White, Pulaski, Cass, Miami,
 22 Wabash, Grant, Howard, Carroll, Warren, Tippecanoe, and
 23 Clinton.
- 24 (7) District 7. Vermillion, Parke, Fountain, Montgomery, Boone,
 25 Putnam, Vigo, Clay, Sullivan, Owen, Greene, and Martin.
- 26 (8) District 8. Madison, Delaware, Blackford, Randolph, Rush,
 27 Fayette, Union, Henry, and Wayne.
- 28 (9) District 9. Monroe, Brown, Bartholomew, Decatur, Franklin,
 29 Lawrence, Jackson, Jennings, Ripley, Dearborn, Orange,
 30 Washington, Scott, Jefferson, Switzerland, Ohio, Crawford,
 31 Harrison, Floyd, and Clark.
- 32 ~~(f)~~ (e) The board may issue licenses to applicants who pass an
 33 examination administered by an entity that has been approved by the
 34 board.
- 35 SECTION 2. IC 25-14-1-12, AS AMENDED BY P.L.103-2011,
 36 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2024]: Sec. 12. (a) The board shall hold not less than two (2)
 38 regular meetings in each year at such place as may be fixed by the
 39 board and as often in addition as may be necessary for the transaction
 40 of such business as may properly come under the provisions of this
 41 chapter, and it shall have power to make all necessary rules in
 42 accordance with this chapter. Additional meetings may be called at any



1 time by the president or any six (6) members of the board to be held at
2 such time and place as may be designated in the call. Six (6) members
3 of the board constitute a quorum. A majority of the quorum may
4 transact business. The board shall elect a president and a secretary. For
5 their services, the members shall receive per diem and travel expenses
6 as otherwise provided by law.

7 (b) It shall be the duty of the board through the agency to keep a
8 record of all applications for licenses for a period of time designated by
9 the board, subject to the final approval of the oversight committee on
10 public records under IC 5-15-5.1-19. Such records shall contain all the
11 facts set forth in the application, including the action of the board. The
12 agency shall carry out the administrative functions of the board and
13 shall provide necessary personnel to enable the board to properly carry
14 out and enforce this chapter.

15 (c) The board may affiliate with the American Association of Dental
16 Boards as an active member thereof and may pay the regular annual
17 dues of the ~~association~~ **American Association of Dental Boards** out
18 of any available funds of the board, which are obtained by examination
19 fees or registration renewal fees as provided by law. However, the
20 affiliation with the American Association of Dental Boards shall not
21 impair, restrict, enlarge, or modify any of the rights, powers, duties, or
22 functions of the board as prescribed by the laws of this state. The board
23 may designate one (1) of its members as a delegate of any meeting of
24 the ~~association~~; **American Association of Dental Boards**, and such
25 delegate member shall receive the regular per diem paid to members
26 of the board for their services on the board and the member's necessary
27 expenses while traveling to and from and attending such meetings.

28 SECTION 3. IC 25-14-1-14 IS AMENDED TO READ AS
29 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 14. ~~The attorney~~
30 ~~general, prosecuting attorney, the state board of dentistry, or any citizen~~
31 ~~of any county where any person shall engage in the practice of~~
32 ~~dentistry, as herein defined, without possessing a valid license so to do,~~
33 ~~may, in accordance with the laws of the state of Indiana governing~~
34 ~~injunctions, maintain an action in the name of the state of Indiana to~~
35 ~~enjoin such person from engaging in the practice of dentistry, as herein~~
36 ~~defined, until a valid license to practice dentistry be secured. And any~~
37 ~~person who has been so enjoined who shall violate such injunction~~
38 ~~shall be punished for contempt of court. Provided, That such injunction~~
39 ~~shall not relieve such person so practicing dentistry without a valid~~
40 ~~license from a criminal prosecution therefor as is now provided by law,~~
41 ~~but such remedy by injunction shall be in addition to any remedy now~~
42 ~~provided for the criminal prosecution of such offender. In charging any~~



1 person in a complaint for injunction, or in an affidavit, information or
 2 indictment, with a violation of this law by practicing dentistry without
 3 a valid license, it shall be sufficient to charge that such person did,
 4 upon a certain day and in a certain county, engage in the practice of
 5 dentistry, he not having a valid license so to do, without averring any
 6 further or more particular facts concerning the same.

7 **(a) The following may bring an action to obtain an injunction**
 8 **against a person who violates section 1 of this chapter:**

9 **(1) The attorney general.**

10 **(2) The prosecuting attorney exercising jurisdiction in the**
 11 **county where the unlicensed practice occurs.**

12 **(3) The board.**

13 **(4) A resident of the county where the unlicensed practice**
 14 **occurs.**

15 **(b) An injunction issued under this section:**

16 **(1) shall prohibit the defendant from engaging in the practice**
 17 **of dentistry until the defendant secures a valid license to**
 18 **practice dentistry; and**

19 **(2) may impose other requirements that are reasonably**
 20 **necessary to protect the public.**

21 **(c) An injunction issued under this section does not limit other**
 22 **criminal remedies that may be available.**

23 SECTION 4. IC 25-14-1-16, AS AMENDED BY P.L.103-2011,
 24 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2024]: Sec. 16. (a) An applicant under this article must submit
 26 ~~to the board~~ proof satisfactory to the board that the applicant has not
 27 been convicted of a crime that has a direct bearing on the applicant's
 28 ability to practice competently.

29 (b) The board may issue a license upon payment of a fee, set by the
 30 board under section 13 of this chapter, to an applicant who furnishes
 31 proof satisfactory to the board that the applicant is a dentist who:

32 (1) is licensed in another state or a province of Canada that has
 33 licensing requirements substantially equal to those in effect in
 34 Indiana on the date of application;

35 (2) has practiced dentistry for at least two (2) of the three (3)
 36 years preceding the date of application;

37 (3) passes the law examination administered by the board or an
 38 entity approved by the board;

39 (4) has completed the required hours of continuing education in
 40 the previous two (2) years; and

41 (5) meets all other requirements of this chapter.

42 (c) The board shall have power to adopt rules under section 13 of



1 this chapter for licensure by endorsement.

2 (d) An applicant shall, at the request of the board, make an
3 appearance before the board.

4 SECTION 5. IC 25-14-1-17 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 17. ~~A person practicing~~
6 ~~dentistry, upon written demand made by the secretary of the state board~~
7 ~~of dentistry, shall not fail to furnish in writing, within twenty (20) days~~
8 ~~after such demand, the name and address of each person practicing or~~
9 ~~assisting in the practice of dentistry in the office of said person,~~
10 ~~together with a sworn statement showing by what authority or license~~
11 ~~such person or persons are practicing dentistry and in what capacity~~
12 ~~nonlicensed persons are assisting in practice; said list of names and~~
13 ~~addresses shall include all persons who have been thus employed~~
14 ~~within the sixty (60) days next preceding such demand; however, such~~
15 ~~affidavit may not be used as evidence against either said person or~~
16 ~~persons so reported in any proceeding under this chapter.~~

17 (a) **This section applies to a dentist who maintains a dental**
18 **office.**

19 (b) **Not later than twenty (20) days from receipt of a request**
20 **from the board, a dentist shall provide the following information**
21 **to the board:**

22 (1) **The name, address, and license number of each person**
23 **practicing dentistry in the dental office within the preceding**
24 **sixty (60) days.**

25 (2) **The name, address, and license number of each licensed**
26 **person assisting in the practice of dentistry in the dental office**
27 **within the preceding sixty (60) days.**

28 (3) **The name, address, and job description of each unlicensed**
29 **person assisting in the practice of dentistry in the dental office**
30 **within the preceding sixty (60) days.**

31 SECTION 6. IC 25-14-1-18 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 18. A ~~practitioner of~~
33 ~~dentistry dentist~~ shall not fail to post, and keep conspicuously
34 displayed, ~~his the dentist's~~ name and license in the dental office
35 wherein ~~he the dentist~~ practices, in plain sight of ~~his the dentist's~~
36 patients. If there are more dentists than one (1) practicing or employed
37 in any dental office, the manager or proprietor of the office shall not
38 fail to post and display the name and license of each dentist so
39 practicing and so employed therein.

40 SECTION 7. IC 25-14-1-21 IS AMENDED TO READ AS
41 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 21. It shall be the duty
42 of the attorney general to represent the ~~state board of dentistry~~ in any



1 court in which an action may be filed for the review of an order of the
 2 board as provided for in section 20 of this chapter. The attorney general
 3 may, at ~~his~~ **the attorney general's** discretion, call to ~~his~~ **the attorney**
 4 **general's** assistance in such action, the prosecuting attorney of the
 5 county in which such action is filed. Also, the board, with the written
 6 consent of the attorney general, shall have the right to employ, out of
 7 its own funds, any other attorney or attorneys to assist the attorney
 8 general in any such action.

9 SECTION 8. IC 25-14-1-23, AS AMENDED BY P.L.31-2021,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 23. (a) A person is practicing dentistry within the
 12 meaning of this chapter if the person does any of the following:

13 (1) Uses the word "dentist" or "dental surgeon", the letters
 14 "D.D.S." or "D.M.D.", or other letters or titles in connection with
 15 dentistry, **including the words "dentist" or "dental" in**
 16 **conjunction with a dental specialty area recognized by the**
 17 **National Commission on Recognition of Dental Specialties**
 18 **and Certifying Boards.**

19 (2) Directs and controls the treatment of patients within a place
 20 where dental services are performed.

21 (3) Advertises or permits to be advertised by sign, card, circular,
 22 handbill, newspaper, radio, or otherwise that the person can or
 23 will attempt to perform dental operations of any kind.

24 (4) Offers to evaluate, diagnose, prevent, or treat:

25 (A) diseases, disorders, and conditions of the oral cavity and
 26 maxillofacial area;

27 (B) diseases, disorders, and conditions of the associated and
 28 adjacent structures of the oral cavity and maxillofacial area if:

29 (i) the dentist is providing emergency care; or

30 (ii) the dentist has completed postgraduate training and
 31 certification in oral and maxillofacial surgery from a
 32 program certified by the Commission on Dental
 33 Accreditation; and

34 (C) the effects of such diseases, disorders, and conditions on
 35 the human body;

36 using nonsurgical, surgical, or related procedures.

37 (5) Extracts human teeth or corrects malpositions of the teeth or
 38 jaws.

39 (6) Except as provided in IC 25-13-1-10.5 and IC 25-13-1-10.6,
 40 administers dental anesthetics. **Nothing in this subdivision shall**
 41 **be construed to prohibit a physician from practicing in a**
 42 **dental office as permitted by IC 25-22.5-2-9.**



- 1 (7) Uses x-ray pictures for dental diagnostic purposes.
2 (8) Makes:
3 (A) oral images for the fabrication of a final restoration,
4 impression, or cast;
5 (B) impressions; or
6 (C) casts of any oral tissues or structures;
7 for the purpose of diagnosis or treatment thereof or for the
8 construction, repair, reproduction, or duplication of any prosthetic
9 device to alleviate or cure any oral lesion or replace any lost oral
10 structures, tissue, or teeth.
11 (9) Advertises to the public by any method, except trade and
12 professional publications, to furnish, supply, construct, reproduce,
13 repair, or adjust any prosthetic denture, bridge, appliance, or other
14 structure to be worn in the human mouth.
15 (10) Is the employer of a dentist who is hired to provide dental
16 services.
17 (11) Directs or controls the use of dental equipment or dental
18 material while the equipment or material is being used to provide
19 dental services. However, a person may lease or provide advice
20 or assistance concerning dental equipment or dental material if
21 the person does not restrict or interfere with the custody, control,
22 or use of the equipment or material by the dentist. This
23 subdivision does not prevent a dental hygienist who is licensed
24 under IC 25-13 from owning dental equipment or dental materials
25 within the dental hygienist's scope of practice.
26 (12) Directs, controls, or interferes with a dentist's clinical
27 judgment.
28 (13) Exercises direction or control over a dentist through a written
29 contract concerning the following areas of dental practice:
30 (A) The selection of a patient's course of treatment.
31 (B) Referrals of patients, except for requiring referrals to be
32 within a specified provider network, subject to the exceptions
33 under IC 27-13-36-5.
34 (C) Content of patient records.
35 (D) Policies and decisions relating to refunds, if the refund
36 payment would be reportable under federal law to the National
37 Practitioner Data Bank, and warranties.
38 (E) The clinical content of advertising.
39 (F) Final decisions relating to the employment of dental office
40 personnel.
41 However, this subdivision does not prohibit a person from
42 providing advice or assistance concerning the areas of dental



1 practice referred to in this subdivision or an insurer (as defined in
2 IC 27-1-26-1) from carrying out the applicable provisions of
3 IC 27 under which the insurer is licensed.

4 However, a person does not have to be a dentist to be a manufacturer
5 of dental prostheses.

6 (b) In addition to subsection (a), a person is practicing dentistry who
7 directly or indirectly by any means or method furnishes, supplies,
8 constructs, reproduces, repairs, or adjusts any prosthetic denture,
9 bridge, appliance, or any other structure to be worn in the human
10 mouth and delivers the resulting product to any person other than the
11 duly licensed dentist upon whose written work authorization the work
12 was performed. A written work authorization shall include the
13 following:

14 (1) The name and address of the dental laboratory to which it is
15 directed.

16 (2) The case identification.

17 (3) A specification of the materials to be used.

18 (4) A description of the work to be done and, if necessary,
19 diagrams thereof.

20 (5) The date of issuance of the authorization.

21 (6) The signature and address of the licensed dentist or other
22 dental practitioner by whom the work authorization is issued.

23 A separate work authorization shall be issued for each patient of the
24 issuing licensed dentist or other dental practitioner for whom dental
25 technological work is to be performed.

26 (c) This section shall not apply to those procedures which a legally
27 licensed and practicing dentist may delegate to a dental assistant as to
28 which procedures the dentist exercises direct supervision and
29 responsibility.

30 (d) Procedures delegated by a dentist may not include the following:

31 (1) Those procedures which require professional judgment and
32 skill such as diagnosis, treatment planning, the cutting of hard or
33 soft tissues, or any intraoral impression which would lead to the
34 fabrication of a final prosthetic appliance.

35 (2) Except for procedures described in subsections (g) and (h),
36 procedures delegated to a dental assistant may not include
37 procedures allocated under IC 25-13-1 to a licensed dental
38 hygienist.

39 (e) This chapter shall not prevent dental students from performing
40 dental operations under the supervision of competent instructors within
41 the dental school or a university recognized by the board or in any
42 public clinic under the supervision of the authorized superintendent of



1 such clinic authorized under the authority and general direction of the
2 board of health or school board of any city or town in Indiana.

3 (f) Licensed pharmacists of this state may fill prescriptions of
4 licensed dentists of this state for any drug necessary in the practice of
5 dentistry.

6 (g) Notwithstanding IC 25-13-1-11(4), a dental assistant who has
7 completed a board approved curriculum may apply medicaments for
8 the control or prevention of dental caries under the direct supervision
9 of a licensed dentist. The curriculum must include instruction on the
10 following:

- 11 (1) Ethics and jurisprudence.
- 12 (2) Reasons for fluorides.
- 13 (3) Systemic fluoride.
- 14 (4) Topical fluoride.
- 15 (5) Fluoride application.
- 16 (6) Laboratory work on topical fluoride applications and patient
17 competency.

18 (h) Notwithstanding IC 25-13-1-11(3), a dental assistant who has
19 completed a board approved curriculum may polish the coronal surface
20 of teeth under the direct supervision of a licensed dentist. The
21 curriculum must include instruction on the following:

- 22 (1) Ethics and jurisprudence.
- 23 (2) Plaque and materia alba.
- 24 (3) Intrinsic and extrinsic stain.
- 25 (4) Abrasive agents.
- 26 (5) Use of a slow speed hand piece, prophylaxis cup, and occlusal
27 polishing brush.
- 28 (6) Theory of selective polishing.
- 29 (7) Laboratory work concerning slow speed hand piece, hand
30 dexterity, and patient competency.

31 SECTION 9. IC 25-14-2-2 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. Except as otherwise
33 provided in section 5 of this chapter, a dentist shall see that each
34 denture ~~he the dentist~~ delivers to a patient in Indiana is marked in the
35 manner prescribed in this chapter if the denture has been fabricated by
36 the dentist or under a work order issued by ~~him~~ **the dentist**.

37 SECTION 10. IC 25-14-2-3 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 3. Except as otherwise
39 provided in section 5 of this chapter, a dentist shall see that each partial
40 denture ~~he the dentist~~ delivers to a patient in Indiana is marked in the
41 manner prescribed in this chapter if the partial denture has been
42 fabricated, rebased, or duplicated by the dentist or pursuant to a work



1 order issued by ~~him~~: **the dentist.**

2 SECTION 11. IC 25-14.1 IS ADDED TO THE INDIANA CODE
3 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2024]:

5 **ARTICLE 14.1. DENTIST AND DENTAL HYGIENIST**
6 **COMPACT**

7 **Chapter 1. Title and Scope**

8 **Sec. 1. This article shall be known and cited as the Dentist and**
9 **Dental Hygienist Compact. The purposes of this compact are to**
10 **facilitate the interstate practice of dentistry and dental hygiene and**
11 **improve public access to dentistry and dental hygiene services by**
12 **providing dentists and dental hygienists licensed in a participating**
13 **state the ability to practice in participating states in which they are**
14 **not licensed. The compact does this by establishing a pathway for**
15 **dentists and dental hygienists licensed in a participating state to**
16 **obtain a compact privilege that authorizes them to practice in**
17 **another participating state in which they are not licensed. The**
18 **compact enables participating states to protect the public health**
19 **and safety with respect to the practice of such dentists and dental**
20 **hygienists, through the state's authority to regulate the practice of**
21 **dentistry and dental hygiene in the state. The compact does the**
22 **following:**

- 23 (1) Enables dentists and dental hygienists who qualify for a
24 compact privilege to practice in other participating states
25 without satisfying duplicative requirements associated with
26 securing a license to practice in those states.
27 (2) Promotes mobility and addresses workforce shortages
28 through each participating state's acceptance of a compact
29 privilege to practice in that state.
30 (3) Increases public access to qualified licensed dentists and
31 dental hygienists by creating a responsible, streamlined
32 pathway for licensees to practice in participating states.
33 (4) Enhances the ability of participating states to protect the
34 public's health and safety.
35 (5) Does not interfere with licensure requirements established
36 by a participating state.
37 (6) Facilitates the sharing of licensure and disciplinary
38 information among participating states.
39 (7) Requires dentists and dental hygienists who practice in a
40 participating state pursuant to a compact privilege to practice
41 within the scope of practice authorized in that state.
42 (8) Extends the authority of a participating state to regulate



1 the practice of dentistry and dental hygiene within its borders
2 to dentists and dental hygienists who practice in the state
3 through a compact privilege.
4 **(9) Promotes the cooperation of participating states in**
5 **regulating the practice of dentistry and dental hygiene within**
6 **those states.**
7 **(10) Facilitates the relocation of military members and their**
8 **spouses who are licensed to practice dentistry or dental**
9 **hygiene.**

10 **Chapter 2. Definitions**

11 **Sec. 0.5. The definitions in this chapter apply throughout this**
12 **article, unless the context requires otherwise.**

13 **Sec. 1. "Active military member" means any person with**
14 **full-time duty status in the armed forces of the United States,**
15 **including members of the national guard and reserve.**

16 **Sec. 2. "Adverse action" means disciplinary action or**
17 **encumbrance imposed on a license or compact privilege by a state**
18 **licensing authority.**

19 **Sec. 3. "Alternative program" means a nondisciplinary**
20 **monitoring or practice remediation process applicable to a dentist**
21 **or dental hygienist approved by a state licensing authority of a**
22 **participating state in which the dentist or dental hygienist is**
23 **licensed. This includes, but is not limited to, programs to which**
24 **licensees with substance abuse or addiction issues are referred in**
25 **lieu of adverse action.**

26 **Sec. 4. "Charter participating state" means a state that enacted**
27 **the compact prior to the compact's effective date.**

28 **Sec. 5. "Clinical assessment" means an examination or process,**
29 **required for licensure as a dentist or dental hygienist as applicable,**
30 **that provides evidence of clinical competence in dentistry or dental**
31 **hygiene.**

32 **Sec. 6. "Commissioner" means the individual appointed by a**
33 **participating state to serve as the member of the commission for**
34 **that participating state.**

35 **Sec. 7. "Compact" means the Dentist and Dental Hygienist**
36 **Compact.**

37 **Sec. 8. "Compact privilege" means the authorization granted by**
38 **a remote state to allow a licensee from a participating state to**
39 **practice as a dentist or dental hygienist in a remote state.**

40 **Sec. 9. "Continuing professional development" means a**
41 **requirement, as a condition of license renewal to provide evidence**
42 **of successful participation in educational or professional activities**



1 relevant to practice or area of work.

2 **Sec. 10. "Criminal background check"** means the submission of
3 fingerprints or other biometric-based information for a license
4 applicant for the purpose of obtaining that applicant's criminal
5 history record information, as defined in 28 CFR 20.3(d) from the
6 Federal Bureau of Investigation and the state's criminal history
7 record repository as defined in 28 CFR 20.3(f).

8 **Sec. 11. "Data system"** means the commission's repository of
9 information about licensees, including but not limited to
10 examination, licensure, investigative, compact privilege, adverse
11 action, and alternative program.

12 **Sec. 12. "Dental hygienist"** means an individual who is licensed
13 by a state licensing authority to practice dental hygiene.

14 **Sec. 13. "Dentist"** means an individual who is licensed by a state
15 licensing authority to practice dentistry.

16 **Sec. 14. "Dentist and Dental Hygienist Compact commission"**
17 or "commission" means a joint government agency established by
18 this compact comprised of each state that has enacted the compact
19 and a national administrative body comprised of a commissioner
20 from each state that has enacted the compact.

21 **Sec. 15. "Encumbered license"** means a license that a state
22 licensing authority has limited in any way other than through an
23 alternative program.

24 **Sec. 16. "Executive board"** means the chair, vice chair,
25 secretary, and treasurer and any other commissioners as may be
26 determined by commission rule or bylaw.

27 **Sec. 17. "Jurisprudence requirement"** means the assessment of
28 an individual's knowledge of the laws and rules governing the
29 practice of dentistry or dental hygiene, as applicable, in a state.

30 **Sec. 18. "License"** means current authorization by a state, other
31 than authorization pursuant to a compact privilege, or other
32 privilege, for an individual to practice as a dentist or dental
33 hygienist in that state.

34 **Sec. 19. "Licensee"** means an individual who holds an
35 unrestricted license from a participating state to practice as a
36 dentist or dental hygienist in that state.

37 **Sec. 20. "Model compact"** means the model for the Dentist and
38 Dental Hygienist Compact on file with the Council of State
39 Governments or other entity as designated by the commission.

40 **Sec. 21. "Participating state"** means a state that has enacted the
41 compact and been admitted to the commission in accordance with
42 the compact and commission rules.



1 **Sec. 22. "Qualifying license"** means a license that is not an
 2 encumbered license issued by a participating state to practice
 3 dentistry or dental hygiene.

4 **Sec. 23. "Remote state"** means a participating state where a
 5 licensee who is not licensed as a dentist or dental hygienist is
 6 exercising or seeking to exercise the compact privilege.

7 **Sec. 24. "Rule"** means a regulation promulgated by an entity
 8 that has the force of law.

9 **Sec. 25. "Scope of practice"** means the procedures, actions, and
 10 processes a dentist or dental hygienist licensed in a state is
 11 permitted to undertake in that state and the circumstances under
 12 which the licensee is permitted to undertake those procedures,
 13 actions, and processes. Such procedures, actions, and processes and
 14 the circumstances under which they may be undertaken may be
 15 established through means, including, but not limited to, statute,
 16 regulation, rule, case law, and other processes available to the state
 17 licensing authority or other government agency.

18 **Sec. 26. "Significant investigative information"** means
 19 information, records, and documents received or generated by a
 20 state licensing authority pursuant to an investigation for which a
 21 determination has been made that there is probable cause to
 22 believe that the licensee has violated a statute, rule, or regulation
 23 that is considered more than a minor infraction for which the state
 24 licensing authority could pursue adverse action against the
 25 licensee.

26 **Sec. 27. "State"** means any state, commonwealth, district, or
 27 territory of the United States of America that regulates the
 28 practices of dentistry and dental hygiene.

29 **Sec. 28. "State licensing authority"** means an agency or other
 30 entity of a state that is responsible for the licensing and regulation
 31 of dentists or dental hygienists.

32 **Chapter 3. State Participation in the Compact**

33 **Sec. 1. (a)** In order to join the compact and thereafter continue
 34 as a participating state, a state must:

- 35 (1) enact a compact that is not materially different from the
 36 model compact as determined in accordance with commission
 37 rules;
 38 (2) participate fully in the commission's data system;
 39 (3) have a mechanism in place for receiving and investigating
 40 complaints about its licensees and license applicants;
 41 (4) notify the commission, in compliance with the terms of the
 42 compact and commission rules, of any adverse action or the



- 1 availability of significant investigative information regarding
 2 a licensee and license applicant;
- 3 (5) fully implement a criminal background check
 4 requirement, within a time frame established by commission
 5 rule, by receiving the results of a qualifying criminal
 6 background check;
- 7 (6) comply with the commission rules applicable to a
 8 participating state;
- 9 (7) accept the national board examinations of the Joint
 10 Commission on National Dental Examinations or another
 11 examination accepted by commission rule as a licensure
 12 examination;
- 13 (8) accept for licensure that applicants for a dentist license
 14 graduate from a predoctoral dental education program
 15 accredited by the Commission on Dental Accreditation, or
 16 another accrediting agency recognized by the United States
 17 Department of Education for the accreditation of dentistry
 18 and dental hygiene education programs, leading to the Doctor
 19 of Dental Surgery (D.D.S.) or Doctor of Dental Medicine
 20 (D.M.D.) degree;
- 21 (9) accept for licensure that applicants for a dental hygienist
 22 license graduate from a dental hygiene education program
 23 accredited by the Commission on Dental Accreditation or
 24 another accrediting agency recognized by the United States
 25 Department of Education for the accreditation of dentistry
 26 and dental hygiene education programs;
- 27 (10) require for licensure that applicants successfully
 28 complete a clinical assessment;
- 29 (11) have continuing professional development requirements
 30 as a condition for license renewal; and
- 31 (12) pay a participation fee to the commission as established
 32 by commission rule.
- 33 (b) Providing alternative pathways for an individual to obtain
 34 an unrestricted license does not disqualify a state from
 35 participating in the compact.
- 36 **Sec. 2. When conducting a criminal background check, the state**
 37 **licensing authority shall:**
- 38 (1) consider the criminal background check information in
 39 making a licensure decision;
- 40 (2) maintain documentation of completion of the criminal
 41 background check and background check information to the
 42 extent allowed by state and federal law; and



1 (3) report to the commission whether it has completed the
2 criminal background check and whether the individual was
3 granted or denied a license.

4 **Sec. 3. A licensee of a participating state who has a qualifying**
5 **license in that state and does not hold an encumbered license in any**
6 **other participating state shall be issued a compact privilege in a**
7 **remote state in accordance with the terms of the compact and**
8 **commission rules. If a remote state has a jurisprudence**
9 **requirement, a compact privilege will not be issued to the licensee**
10 **unless the licensee has satisfied the jurisprudence requirement.**

11 **Chapter 4. Compact Privilege**

12 **Sec. 1. To obtain and exercise the compact privilege under the**
13 **terms and provisions of the compact, the licensee shall:**

14 (1) have a qualifying license as a dentist or dental hygienist in
15 a participating state;

16 (2) be eligible for a compact privilege in any remote state in
17 accordance with section 4(a), 4(d), and 4(e) of this chapter;

18 (3) submit to an application process whenever the licensee is
19 seeking a compact privilege;

20 (4) pay any applicable commission and remote state fees for
21 a compact privilege in the remote state;

22 (5) meet any jurisprudence requirement established by a
23 remote state in which the licensee is seeking a compact
24 privilege;

25 (6) have passed a national board examination of the Joint
26 Commission on National Dental Examinations or another
27 examination accepted by commission rule;

28 (7) for a dentist, have graduated from a predoctoral dental
29 education program accredited by the Commission on Dental
30 Accreditation, or another accrediting agency recognized by
31 the United States Department of Education for the
32 accreditation of dentistry and dental hygiene education
33 programs, leading to the Doctor of Dental Surgery (D.D.S.) or
34 Doctor of Dental Medicine (D.M.D.) degree;

35 (8) for a dental hygienist, have graduated from a dental
36 hygiene education program accredited by the Commission on
37 Dental Accreditation or another accrediting agency
38 recognized by the United States Department of Education for
39 the accreditation of dentistry and dental hygiene education
40 programs;

41 (9) have successfully completed a clinical assessment for
42 licensure;



1 (10) report to the commission adverse action taken by any
 2 nonparticipating state when applying for a compact privilege
 3 and, otherwise, within thirty (30) days from the date the
 4 adverse action is taken;

5 (11) report to the commission when applying for a compact
 6 privilege the address of the licensee's primary residence and
 7 thereafter immediately report to the commission any change
 8 in the address of the licensee's primary residence; and

9 (12) consent to accept service of process by mail at the
 10 licensee's primary residence on record with the commission
 11 with respect to any action brought against the licensee by the
 12 commission or a participating state, and consent to accept
 13 service of a subpoena by mail at the licensee's primary
 14 residence on record with the commission with respect to any
 15 action brought or investigation conducted by the commission
 16 or a participating state.

17 **Sec. 2.** The licensee must comply with the requirements of
 18 section 1 of this chapter to maintain the compact privilege in the
 19 remote state. If those requirements are met, the compact privilege
 20 will continue as long as the licensee maintains a qualifying license
 21 in the state through which the licensee applied for the compact
 22 privilege and pays any applicable compact privilege renewal fees.

23 **Sec. 3.** A licensee providing dentistry or dental hygiene in a
 24 remote state under the compact privilege shall function within the
 25 scope of practice authorized by the remote state for a dentist or
 26 dental hygienist licensed in that state.

27 **Sec. 4. (a)** A licensee providing dentistry or dental hygiene
 28 pursuant to a compact privilege in a remote state is subject to that
 29 state's regulatory authority. A remote state may, in accordance
 30 with due process and that state's laws, by adverse action revoke or
 31 remove a licensee's compact privilege in the remote state for a
 32 specific period of time and impose fines or take any other necessary
 33 actions to protect the health and safety of its citizens. If a remote
 34 state imposes an adverse action against a compact privilege that
 35 limits the compact privilege, that adverse action applies to all
 36 compact privileges in all remote states. A licensee whose compact
 37 privilege in a remote state is removed for a specified period of time
 38 is not eligible for a compact privilege in any other remote state
 39 until the specific time for removal of the compact privilege has
 40 passed and all encumbrance requirements are satisfied.

41 **(b)** If a license in a participating state is an encumbered license,
 42 the licensee shall lose the compact privilege in a remote state and



1 shall not be eligible for a compact privilege in any remote state
2 until the license is no longer encumbered.

3 (c) Once an encumbered license in a participating state is
4 restored to good standing, the licensee must meet the requirements
5 of section 1 of this chapter to obtain a compact privilege in a
6 remote state.

7 (d) If a licensee's compact privilege in a remote state is removed
8 by the remote state, the individual shall lose or be ineligible for the
9 compact privilege in any remote state until the following occur:

10 (1) The specific period of time for which the compact privilege
11 was removed has ended.

12 (2) All conditions for removal of the compact privilege have
13 been satisfied.

14 (e) Once the requirements of subsection (d) have been met, the
15 licensee must meet the requirements in section 1 of this chapter to
16 obtain a compact privilege in a remote state.

17 **Chapter 5. Active Military Member or the Member's Spouse**

18 **Sec. 1.** An active military member and the member's spouse
19 shall not be required to pay to the commission for a compact
20 privilege the fee otherwise charged by the commission. If a remote
21 state chooses to charge a fee for a compact privilege, it may choose
22 to charge a reduced fee or no fee to an active military member and
23 the member's spouse for a compact privilege.

24 **Chapter 6. Adverse Actions**

25 **Sec. 1. (a)** A participating state in which a licensee is licensed
26 shall have exclusive authority to impose adverse action against the
27 qualifying license issued by that participating state.

28 (b) A participating state may take adverse action based on the
29 significant investigative information of a remote state, so long as
30 the participating state follows its own procedures for imposing
31 adverse action.

32 (c) Nothing in this compact shall override a participating state's
33 decision that participation in an alternative program may be used
34 in lieu of adverse action and that such participation shall remain
35 nonpublic if required by the participating state's laws. Participating
36 states must require licensees who enter any alternative program
37 in lieu of discipline to agree not to practice pursuant to a compact
38 privilege in any other participating state during the term of the
39 alternative program without prior authorization from such other
40 participating state.

41 (d) Any participating state in which a licensee is applying to
42 practice or is practicing pursuant to a compact privilege may



1 investigate actual or alleged violations of the statutes and
 2 regulations authorizing the practice of dentistry or dental hygiene
 3 in any other participating state in which the dentist or dental
 4 hygienist holds a license or compact privilege.

5 **Sec. 2. A remote state shall have the authority to:**

6 (1) take adverse actions as set forth in IC 25-14.1-4-4(a)
 7 against a licensee's compact privilege in the state;

8 (2) in furtherance of its rights and responsibilities under the
 9 compact and the commission's rules, issue subpoenas for both
 10 hearings and investigations that require the attendance and
 11 testimony of witnesses, and the production of evidence.
 12 Subpoenas issued by a state licensing authority in a
 13 participating state for the attendance and testimony of
 14 witnesses, or the production of evidence from another
 15 participating state, shall be enforced in the latter state by any
 16 court of competent jurisdiction, according to the practice and
 17 procedure of that court applicable to subpoenas issued in
 18 proceedings pending before it. The issuing authority shall pay
 19 any witness fees, travel expenses, mileage, and other fees
 20 required by the service statutes of the state where the
 21 witnesses or evidence are located; and

22 (3) if otherwise permitted by state law, recover from the
 23 licensee the costs of investigations and disposition of cases
 24 resulting from any adverse action taken against that licensee.

25 **Sec. 3. (a) In addition to the authority granted to a participating**
 26 **state by its dentist or dental hygienist licensure act or other**
 27 **applicable state law, a participating state may jointly investigate**
 28 **licensees with other participating states.**

29 (b) Participating states shall share any significant investigative
 30 information, litigation, or compliance materials in furtherance of
 31 any joint or individual investigation initiated under the compact.

32 **Sec. 4. (a) After a licensee's compact privilege in a remote state**
 33 **is terminated, the remote state may continue an investigation of the**
 34 **licensee that began when the licensee had a compact privilege in**
 35 **that remote state.**

36 (b) If the investigation yields what would be significant
 37 investigative information had the licensee continued to have a
 38 compact privilege in that remote state, the remote state shall report
 39 the presence of such information to the data system as required by
 40 IC 25-14.1-8-2(6) as if it was significant investigative information.

41 **Chapter 7. Establishment and Operation of the Commission**

42 **Sec. 1. The compact participating states hereby create and**



1 establish a joint government agency whose membership consists of
 2 all participating states that have enacted the compact. The
 3 commission is an instrumentality of the participating states acting
 4 jointly and not an instrumentality of any one (1) state. The
 5 commission shall come into existence on or after the effective date
 6 of the compact as set forth in IC 25-14.1-11.

7 **Sec. 2. (a)** Each participating state shall have and be limited to
 8 one (1) commissioner selected by that participating state's state
 9 licensing authority or, if the state has more than one (1) state
 10 licensing authority, selected collectively by the state licensing
 11 authorities.

12 (b) The commissioner shall be a member or designee of such
 13 authority or authorities.

14 (c) The commission may by rule or bylaw establish a term of
 15 office for commissioners and may by rule or bylaw establish term
 16 limits.

17 (d) The commission may recommend to a state licensing
 18 authority or authorities, as applicable, removal or suspension of an
 19 individual as the state's commissioner.

20 (e) A participating state's state licensing authority or
 21 authorities, as applicable, shall fill any vacancy of its commissioner
 22 on the commission within sixty (60) days of the vacancy.

23 (f) Each commissioner shall be entitled to one (1) vote on all
 24 matters that are voted upon by the commission.

25 (g) The commission shall meet at least once during each
 26 calendar year. Additional meetings may be held as set forth in the
 27 bylaws. The commission may meet by telecommunication, video
 28 conference, or other similar electronic means.

29 **Sec. 3.** The commission shall have the following powers:

30 (1) Establish the fiscal year of the commission.

31 (2) Establish a code of conduct and conflict of interest policies.

32 (3) Adopt rules and bylaws.

33 (4) Maintain the commission's financial records in accordance
 34 with the bylaws.

35 (5) Meet and take such actions as are consistent with the
 36 provisions of this compact, the commission's rules, and the
 37 bylaws.

38 (6) Initiate and conclude legal proceedings or actions in the
 39 name of the commission, provided that the standing of any
 40 state licensing authority to sue or be sued under applicable
 41 law shall not be affected.

42 (7) Maintain and certify records and information provided to



1 a participating state as the authenticated business records of
2 the commission, and designate a person to do so on the
3 commission's behalf.

4 **(8) Purchase and maintain insurance and bonds.**

5 **(9) Borrow, accept, or contract for services of personnel,**
6 **including, but not limited to, employees of a participating**
7 **state.**

8 **(10) Conduct an annual financial review.**

9 **(11) Hire employees, elect or appoint officers, fix**
10 **compensation, define duties, grant such individuals**
11 **appropriate authority to carry out the purposes of the**
12 **compact, and establish the commission's personnel policies**
13 **and programs relating to conflicts of interest, qualifications**
14 **of personnel, and other related personnel matters.**

15 **(12) As set forth in the commission rules, charge a fee to a**
16 **licensee for the grant of a compact privilege in a remote state**
17 **and thereafter, as may be established by commission rule,**
18 **charge the licensee a compact privilege renewal fee for each**
19 **renewal period in which that licensee exercises or intends to**
20 **exercise the compact privilege in that remote state. Nothing in**
21 **this subdivision shall be construed to prevent a remote state**
22 **from charging a licensee a fee for a compact privilege or**
23 **renewals of a compact privilege, or a fee for the jurisprudence**
24 **requirement if the remote state imposes such a requirement**
25 **for the grant of a compact privilege.**

26 **(13) Accept any and all appropriate gifts, donations, grants of**
27 **money, other sources of revenue, equipment, supplies,**
28 **materials, and services, and receive, utilize, and dispose of the**
29 **same. At all times the commission shall avoid any appearance**
30 **of impropriety or conflict of interest when accepting,**
31 **receiving, utilizing, or disposing of the items or services.**

32 **(14) Lease, purchase, retain, own, hold, improve, or use any**
33 **property, real, personal, or mixed, or any undivided interest**
34 **in the property.**

35 **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon,**
36 **or otherwise dispose of any property real, personal, or mixed.**

37 **(16) Establish a budget and make expenditures.**

38 **(17) Borrow money.**

39 **(18) Appoint committees, including standing committees,**
40 **which may be composed of members, state regulators, state**
41 **legislators or their representatives, and consumer**
42 **representatives, and other interested persons as may be**



- 1 designated in this compact and the bylaws.
- 2 (19) Provide and receive information from, and cooperate
- 3 with, law enforcement agencies.
- 4 (20) Elect a chair, vice chair, secretary, and treasurer and
- 5 other officers of the commission as provided in the
- 6 commission's bylaws.
- 7 (21) Establish and elect an executive board.
- 8 (22) Adopt and provide to the participating states an annual
- 9 report.
- 10 (23) Determine whether a state's enacted compact is
- 11 materially different from the model compact language such
- 12 that the state would not qualify for participation in the
- 13 compact.
- 14 (24) Perform other functions as may be necessary or
- 15 appropriate to achieve the purposes of this compact.
- 16 **Sec. 4. (a) All meetings of the commission that are not closed**
- 17 **pursuant to this section shall be open to the public. Notice of public**
- 18 **meetings shall be posted on the commission's website at least thirty**
- 19 **(30) days prior to the public meeting.**
- 20 (b) Notwithstanding subsection (a), the commission may
- 21 convene an emergency public meeting by providing at least
- 22 twenty-four (24) hours prior notice on the commission's website,
- 23 and any other means as provided in the commission's rules, for any
- 24 of the reasons it may dispense with notice of proposed rulemaking
- 25 under IC 25-14.1-9-4. The commission's legal counsel shall certify
- 26 that one (1) of the reasons justifying an emergency public meeting
- 27 has been met.
- 28 (c) Notice of all commission meetings shall provide the time,
- 29 date, and location of the meeting, and if the meeting is to be held or
- 30 accessible via telecommunication, video conference, or other
- 31 electronic means, the notice shall include the mechanism for access
- 32 to the meeting through such means.
- 33 (d) The commission may convene in a closed, nonpublic meeting
- 34 for the commission to receive legal advice or to discuss:
- 35 (1) noncompliance of a participating state with its obligations
- 36 under the compact;
- 37 (2) the employment, compensation, discipline, or other
- 38 matters, practices, or procedures related to specific employees
- 39 or other matters related to the commission's internal
- 40 personnel practices and procedures;
- 41 (3) current or threatened discipline of a licensee or compact
- 42 privilege holder by the commission or by a participating



- 1 state's licensing authority;
 2 (4) current, threatened, or reasonably anticipated litigation;
 3 (5) negotiation of contracts for the purchase, lease, or sale of
 4 goods, services, or real estate;
 5 (6) accusing any person of a crime or formally censuring any
 6 person;
 7 (7) trade secrets or commercial or financial information that
 8 is privileged or confidential;
 9 (8) information of a personal nature where disclosure would
 10 constitute a clearly unwarranted invasion of personal privacy;
 11 (9) investigative records compiled for law enforcement
 12 purposes;
 13 (10) information related to any investigative reports prepared
 14 by or on behalf of or for use of the commission or other
 15 committee charged with responsibility of investigation or
 16 determination of compliance issues pursuant to the compact;
 17 (11) legal advice;
 18 (12) matters specifically exempted from disclosure to the
 19 public by federal or participating state law; and
 20 (13) other matters as promulgated by the commission by rule.

21 (e) If a meeting, or portion of a meeting, is closed, the presiding
 22 officer shall state that the meeting will be closed and reference each
 23 relevant exempting provision, and such reference shall be recorded
 24 in the minutes.

25 (f) The commission shall keep minutes that fully and clearly
 26 describe all matters discussed in a meeting and shall provide a full
 27 and accurate summary of actions taken, and the reasons therefore,
 28 including a description of the views expressed. All documents
 29 considered in connection with an action shall be identified in the
 30 minutes. All minutes and documents of a closed meeting shall
 31 remain under seal, subject to release only by a majority vote of the
 32 commission or order of a court of competent jurisdiction.

33 Sec. 5. (a) The commission shall pay, or provide for the payment
 34 of, the reasonable expenses of its establishment, organization, and
 35 ongoing activities.

36 (b) The commission may accept any and all appropriate sources
 37 of revenue, donations, and grants of money, equipment, supplies,
 38 materials, and services.

39 (c) The commission may levy on and collect an annual
 40 assessment from each participating state and impose fees on
 41 licensees of participating states when a compact privilege is
 42 granted, to cover the cost of the operations and activities of the



1 commission and its staff, which must be in a total amount sufficient
 2 to cover its annual budget as approved each fiscal year for which
 3 sufficient revenue is not provided by other sources. The aggregate
 4 annual assessment amount for participating states shall be
 5 allocated based upon a formula that the commission shall
 6 promulgate by rule.

7 (d) The commission shall not incur obligations of any kind prior
 8 to securing the funds adequate to meet the same; nor shall the
 9 commission pledge the credit of any participating state, except by
 10 and with the authority of the participating state.

11 (e) The commission shall keep accurate accounts of all receipts
 12 and disbursements. The receipts and disbursements of the
 13 commission shall be subject to the financial review and accounting
 14 procedures established under its bylaws. All receipts and
 15 disbursements of funds handled by the commission shall be subject
 16 to an annual financial review by a certified or licensed public
 17 accountant, and the report of the financial review shall be included
 18 in and become part of the annual report of the commission.

19 Sec. 6. (a) The executive board shall have the power to act on
 20 behalf of the commission according to the terms of this compact.
 21 The powers, duties, and responsibilities of the executive board shall
 22 include:

- 23 (1) overseeing the day-to-day activities of the administration
 24 of the compact including compliance with the provisions of
 25 the compact, and the commission's rules and bylaws;
- 26 (2) recommending to the commission changes to the rules or
 27 bylaws, changes to this compact legislation, fees charged to
 28 compact participating states, fees charged to licensees, and
 29 other fees;
- 30 (3) ensuring compact administration services are
 31 appropriately provided, including by contract;
- 32 (4) preparing and recommending the budget;
- 33 (5) maintaining financial records on behalf of the commission;
- 34 (6) monitoring compact compliance of participating states and
 35 providing compliance reports to the commission;
- 36 (7) establishing additional committees as necessary;
- 37 (8) exercising the powers and duties of the commission during
 38 the interim between commission meetings, except for adopting
 39 or amending rules, adopting or amending bylaws, and
 40 exercising any other powers and duties expressly reserved to
 41 the commission by rule or bylaw; and
- 42 (9) other duties as provided in the rules or bylaws of the



- 1 **commission.**
- 2 **(b) The executive board shall be composed of up to seven (7)**
- 3 **members as follows:**
- 4 **(1) The chair, vice chair, secretary, and treasurer of the**
- 5 **commission and any other members of the commission who**
- 6 **serve on the executive board shall be voting members of the**
- 7 **executive board.**
- 8 **(2) Other than the chair, vice chair, secretary, and treasurer,**
- 9 **the commission may elect up to three (3) voting members**
- 10 **from the current membership of the commission.**
- 11 **(c) The commission may remove any member of the executive**
- 12 **board as provided in the commission's bylaws.**
- 13 **Sec. 7. (a) The executive board shall meet at least annually.**
- 14 **(b) An executive board meeting at which it takes or intends to**
- 15 **take formal action on a matter shall be open to the public, except**
- 16 **that the executive board may meet in a closed, nonpublic session of**
- 17 **a public meeting when dealing with any of the matters covered**
- 18 **under section 4(d) of this chapter.**
- 19 **(c) The executive board shall give five (5) business days notice**
- 20 **of its public meetings, posted on its website and as it may otherwise**
- 21 **determine to provide notice to persons with an interest in the**
- 22 **public matters the executive board intends to address at those**
- 23 **meetings.**
- 24 **(d) The executive board may hold an emergency meeting when**
- 25 **acting for the commission to:**
- 26 **(1) meet an imminent threat to public health, safety, or**
- 27 **welfare;**
- 28 **(2) prevent a loss of commission or participating state funds;**
- 29 **or**
- 30 **(3) protect public health and safety.**
- 31 **Sec. 8. (a) The members, officers, executive director, employees,**
- 32 **and representatives of the commission shall be immune from suit**
- 33 **and liability, both personally and in their official capacity, for any**
- 34 **claim for damage to or loss of property or personal injury or other**
- 35 **civil liability caused by or arising out of any actual or alleged act,**
- 36 **error, or omission that occurred, or that the person against whom**
- 37 **the claim is made had a reasonable basis for believing occurred**
- 38 **within the scope of commission employment, duties, or**
- 39 **responsibilities; provided that nothing in this subsection shall be**
- 40 **construed to protect any such person from suit or liability for any**
- 41 **damage, loss, injury, or liability caused by the intentional or willful**
- 42 **or wanton misconduct of that person. The procurement of**



1 insurance of any type by the commission shall not in any way
2 compromise or limit the immunity granted under this section.

3 (b) The commission shall defend any member, officer, executive
4 director, employee, and representative of the commission in any
5 civil action seeking to impose liability arising out of any actual or
6 alleged act, error, or omission that occurred within the scope of
7 commission employment, duties, or responsibilities, or as
8 determined by the commission that the person against whom the
9 claim is made had a reasonable basis for believing occurred within
10 the scope of commission employment, duties, or responsibilities;
11 provided that nothing in this section shall be construed to prohibit
12 that person from retaining the person's own counsel at the person's
13 own expense; and provided further, that the actual or alleged act,
14 error, or omission did not result from that person's intentional or
15 willful or wanton misconduct.

16 (c) Notwithstanding subsection (a), should any member, officer,
17 executive director, employee, or representative of the commission
18 be held liable for the amount of any settlement or judgment arising
19 out of any actual or alleged act, error, or omission that occurred
20 within the scope of that individual's employment, duties, or
21 responsibilities for the commission, or that the person to whom
22 that individual is liable had a reasonable basis for believing
23 occurred within the scope of the individual's employment, duties,
24 or responsibilities for the commission, the commission shall
25 indemnify and hold harmless such individual, provided that the
26 actual or alleged act, error, or omission did not result from the
27 intentional or willful or wanton misconduct of the individual.

28 (d) Nothing in this section shall be construed as a limitation on
29 the liability of any licensee for professional malpractice or
30 misconduct, which shall be governed solely by any other applicable
31 state laws.

32 (e) Nothing in this compact shall be interpreted to waive or
33 otherwise abrogate a participating state's state action immunity or
34 state action affirmative defense with respect to antitrust claims
35 under the Sherman Act (15 U.S.C. 1 et seq.), Clayton Act (15 U.S.C.
36 12 et seq.), or any other state or federal antitrust or
37 anticompetitive law or regulation.

38 (f) Nothing in this compact shall be construed to be a waiver of
39 sovereign immunity by the participating states or by the
40 commission.

41 Chapter 8. Data System

42 Sec. 1. The commission shall provide for the development,



1 maintenance, operation, and utilization of a coordinated data base
2 and reporting system containing licensure, adverse action, and the
3 presence of significant investigative information on all licensees
4 and applicants for a license in participating states.

5 Sec. 2. Notwithstanding any other provision of state law to the
6 contrary, a participating state shall submit a uniform data set to
7 the data system on all individuals to whom this compact is
8 applicable as required by the rules of the commission, including:

9 (1) identifying information;

10 (2) licensure data;

11 (3) adverse actions against a licensee, license applicant, or
12 compact privilege and information related to the adverse
13 actions;

14 (4) nonconfidential information related to alternative
15 program participation, the beginning and ending dates of such
16 participation, and other information related to such
17 participation;

18 (5) any denial of an application for licensure, and the reason
19 for such denial, (excluding the reporting of any criminal
20 history record information where prohibited by law);

21 (6) the presence of significant investigative information; and

22 (7) other information that may facilitate the administration of
23 this compact or the protection of the public, as determined by
24 the rules of the commission.

25 Sec. 3. The records and information provided to a participating
26 state pursuant to this compact or through the data system, when
27 certified by the commission or an agent thereof, shall constitute the
28 authenticated business records of the commission, and shall be
29 entitled to any associated hearsay exception in any relevant
30 judicial, quasi-judicial, or administrative proceedings in a
31 participating state.

32 Sec. 4. Significant investigative information pertaining to a
33 licensee in any participating state will only be available to other
34 participating states.

35 Sec. 5. It is the responsibility of the participating states to
36 monitor the data base to determine whether adverse action has
37 been taken against a licensee or license applicant. Adverse action
38 information pertaining to a licensee or license applicant in any
39 participating state will be available to any other participating state.

40 Sec. 6. Participating states contributing information to the data
41 system may designate information that may not be shared with the
42 public without the express permission of the contributing state.



1 **Sec. 7. Any information submitted to the data system that is**
2 **subsequently expunged pursuant to federal law or the laws of the**
3 **participating state contributing the information shall be removed**
4 **from the data system.**

5 **Chapter 9. Rulemaking**

6 **Sec. 1. (a) The commission shall promulgate reasonable rules in**
7 **order to effectively and efficiently implement and administer the**
8 **purposes and provisions of the compact. A commission rule shall**
9 **be invalid and have no force or effect only if a court of competent**
10 **jurisdiction holds that the rule is invalid because the commission**
11 **exercised its rulemaking authority in a manner that is beyond the**
12 **scope and purposes of the compact, or the powers granted**
13 **hereunder, or based upon another applicable standard of review.**

14 **(b) The rules of the commission shall have the force of law in**
15 **each participating state, provided however that where the rules of**
16 **the commission conflict with the laws of the participating state that**
17 **establish the participating state's scope of practice as held by a**
18 **court of competent jurisdiction, the rules of the commission shall**
19 **be ineffective in that state to the extent of the conflict.**

20 **(c) The commission shall exercise its rulemaking powers**
21 **pursuant to the criteria set forth in this chapter and the rules**
22 **adopted under this chapter. Rules shall become binding as of the**
23 **date specified by the commission for each rule.**

24 **(d) If a majority of the legislatures of the participating states**
25 **rejects a commission rule or portion of a commission rule, by**
26 **enactment of a statute or resolution in the same manner used to**
27 **adopt the compact, within four (4) years of the date of adoption of**
28 **the rule, then such rule shall have no further force and effect in any**
29 **participating state or to any state applying to participate in the**
30 **compact.**

31 **Sec. 2. (a) Rules shall be adopted at a regular or special meeting**
32 **of the commission.**

33 **(b) Prior to adoption of a proposed rule, the commission shall**
34 **hold a public hearing and allow persons to provide oral and**
35 **written comments, data, facts, opinions, and arguments.**

36 **(c) Prior to adoption of a proposed rule by the commission, and**
37 **at least thirty (30) days in advance of the meeting at which the**
38 **commission will hold a public hearing on the proposed rule, the**
39 **commission shall provide a notice of proposed rulemaking:**

40 **(1) on the website of the commission or other publicly**
41 **accessible platform;**

42 **(2) to persons who have requested notice of the commission's**



1 notices of proposed rulemaking; and

2 (3) in such other way as the commission may by rule specify.

3 (d) The notice of proposed rulemaking shall include:

4 (1) the time, date, and location of the public hearing at which
5 the commission will hear public comments on the proposed
6 rule and, if different, the time, date, and location of the
7 meeting where the commission will consider and vote on the
8 proposed rule;

9 (2) if the hearing is held via telecommunication, video
10 conference, or other electronic means, the commission shall
11 include the mechanism for access to the hearing in the notice
12 of proposed rulemaking;

13 (3) the text of the proposed rule and the reason for the
14 proposed rule;

15 (4) a request for comments on the proposed rule from any
16 interested person; and

17 (5) the manner in which interested persons may submit
18 written comments.

19 (e) All hearings will be recorded. A copy of the recording and all
20 written comments and documents received by the commission in
21 response to the proposed rule shall be available to the public.

22 Sec. 3. (a) Nothing in this chapter shall be construed as
23 requiring a separate hearing on each commission rule. Rules may
24 be grouped for the convenience of the commission at hearings
25 required by this chapter.

26 (b) The commission shall, by majority vote of all commissioners,
27 take final action on the proposed rule based on the rulemaking
28 record.

29 (c) The commission may adopt changes to the proposed rule
30 provided the changes do not enlarge the original purpose of the
31 proposed rule.

32 (d) The commission shall provide an explanation of the reasons
33 for substantive changes made to the proposed rule as well as
34 reasons for substantive changes not made that were recommended
35 by commenters.

36 (e) The commission shall determine a reasonable effective date
37 for the rule. Except for an emergency as provided in section 4 of
38 this chapter, the effective date of the rule shall be not earlier than
39 thirty (30) days after the commission issues the notice that it
40 adopted or amended the rule.

41 Sec. 4. Upon determination that an emergency exists, the
42 commission may consider and adopt an emergency rule with



1 twenty-four (24) hours notice, with opportunity to comment,
 2 provided that the usual rulemaking procedures provided in the
 3 compact and in this chapter shall be retroactively applied to the
 4 rule as soon as reasonably possible, in no event later than ninety
 5 (90) days after the effective date of the rule. For the purposes of
 6 this section, an emergency rule is one that must be adopted
 7 immediately in order to:

8 (1) meet an imminent threat to public health, safety, or
 9 welfare;

10 (2) prevent a loss of commission or participating state funds;

11 (3) meet a deadline for the promulgation of a rule that is
 12 established by federal law or rule; or

13 (4) protect public health and safety.

14 Sec. 5. The commission or an authorized committee of the
 15 commission may direct revisions to a previously adopted rule for
 16 purposes of correcting typographical errors, errors in format,
 17 errors in consistency, or grammatical errors. Public notice of any
 18 revisions shall be posted on the website of the commission. The
 19 revision shall be subject to challenge by any person for a period of
 20 thirty (30) days after posting. The revision may be challenged only
 21 on grounds that the revision results in a material change to a rule.
 22 A challenge shall be made in writing and delivered to the
 23 commission prior to the end of the notice period. If no challenge is
 24 made, the revision will take effect without further action. If the
 25 revision is challenged, the revision may not take effect without the
 26 approval of the commission.

27 Sec. 6. No participating state's rulemaking requirements shall
 28 apply under this compact.

29 Chapter 10. Oversight, Dispute Resolution, and Enforcement

30 Sec. 1. (a) The executive and judicial branches of state
 31 government in each participating state shall enforce this compact
 32 and take all actions necessary and appropriate to implement the
 33 compact.

34 (b) Venue is proper and judicial proceedings by or against the
 35 commission shall be brought solely and exclusively in a court of
 36 competent jurisdiction where the principal office of the commission
 37 is located. The commission may waive venue and jurisdictional
 38 defenses to the extent it adopts or consents to participate in
 39 alternative dispute resolution proceedings. Nothing in this section
 40 shall affect or limit the selection or propriety of venue in any action
 41 against a licensee for professional malpractice, misconduct, or any
 42 such similar matter.



1 (c) The commission shall be entitled to receive service of process
2 in any proceeding regarding the enforcement or interpretation of
3 the compact or commission rule and shall have standing to
4 intervene in such a proceeding for all purposes. Failure to provide
5 the commission service of process shall render a judgment or order
6 void as to the commission, this compact, or promulgated rules.

7 Sec. 2. (a) If the commission determines that a participating
8 state has defaulted in the performance of its obligations or
9 responsibilities under this compact or the promulgated rules, the
10 commission shall provide written notice to the defaulting state. The
11 notice of default shall describe the default, the proposed means of
12 curing the default, and any other action that the commission may
13 take, and shall offer training and specific technical assistance
14 regarding the default.

15 (b) The commission shall provide a copy of the notice of default
16 to the other participating states.

17 (c) If a state in default fails to cure the default, the defaulting
18 state may be terminated from the compact upon an affirmative
19 vote of a majority of the commissioners, and all rights, privileges,
20 and benefits conferred on that state by this compact may be
21 terminated on the effective date of termination. A cure of the
22 default does not relieve the offending state of obligations or
23 liabilities incurred during the period of default.

24 (d) Termination of participation in the compact shall be
25 imposed only after all other means of securing compliance have
26 been exhausted. Notice of intent to suspend or terminate shall be
27 given by the commission to the governor, the majority and
28 minority leaders of the defaulting state's legislature, the defaulting
29 state's state licensing authority or authorities, as applicable, and
30 each of the participating states' state licensing authority or
31 authorities, as applicable.

32 (e) A state that has been terminated is responsible for all
33 assessments, obligations, and liabilities incurred through the
34 effective date of termination, including obligations that extend
35 beyond the effective date of termination.

36 (f) Upon the termination of a state's participation in this
37 compact, that state shall immediately provide notice to all licensees
38 of the state, including licensees of other participating states issued
39 a compact privilege to practice within that state, of such
40 termination. The terminated state shall continue to recognize all
41 compact privileges then in effect in that state for a minimum of one
42 hundred eighty (180) days after the date of the notice of



1 termination.

2 (g) The commission shall not bear any costs related to a state
3 that is found to be in default or that has been terminated from the
4 compact, unless agreed upon in writing between the commission
5 and the defaulting state.

6 (h) The defaulting state may appeal the action of the commission
7 by petitioning the United States District Court for the District of
8 Columbia or the federal district where the commission has its
9 principal offices. The prevailing party shall be awarded all costs of
10 such litigation, including reasonable attorney's fees.

11 Sec. 3. (a) Upon request by a participating state, the commission
12 shall attempt to resolve disputes related to the compact that arise
13 among participating states and between participating states and
14 nonparticipating states.

15 (b) The commission shall promulgate a rule providing for both
16 mediation and binding dispute resolution for disputes as
17 appropriate.

18 Sec. 4. (a) The commission, in the reasonable exercise of its
19 discretion, shall enforce the provisions of this compact and the
20 commission's rules.

21 (b) By majority vote, the commission may initiate legal action
22 against a participating state in default in the United States District
23 Court for the District of Columbia or the federal district where the
24 commission has its principal offices to enforce compliance with the
25 provisions of the compact and its promulgated rules. The relief
26 sought may include both injunctive relief and damages. In the
27 event judicial enforcement is necessary, the prevailing party shall
28 be awarded all costs of such litigation, including reasonable
29 attorney's fees. The remedies in this section shall not be the
30 exclusive remedies of the commission. The commission may pursue
31 any other remedies available under federal or the defaulting
32 participating state's law.

33 (c) A participating state may initiate legal action against the
34 commission in the United States District Court for the District of
35 Columbia or the federal district where the commission has its
36 principal offices to enforce compliance with the provisions of the
37 compact and its promulgated rules. The relief sought may include
38 both injunctive relief and damages. In the event judicial
39 enforcement is necessary, the prevailing party shall be awarded all
40 costs of such litigation, including reasonable attorney's fees.

41 (d) No individual or entity other than a participating state may
42 enforce this compact against the commission.



1 **Chapter 11. Effective Date, Withdrawal, and Amendment**

2 **Sec. 1. The compact shall come into effect on the date on which**
3 **the compact statute is enacted into law in the seventh participating**
4 **state.**

5 **Sec. 2. (a) On or after the effective date of the compact, the**
6 **commission shall convene and review the enactment of each**
7 **charter participating state to determine if the statute enacted by**
8 **each charter participating state is materially different than the**
9 **model compact.**

10 **(b) A charter participating state whose enactment is found to be**
11 **materially different from the model compact shall be entitled to the**
12 **default process set forth in IC 25-14.1-10.**

13 **(c) If any participating state is later found to be in default, or is**
14 **terminated or withdraws from the compact, the commission shall**
15 **remain in existence and the compact shall remain in effect even if**
16 **the number of participating states should be less than seven (7).**

17 **(d) Participating states enacting the compact subsequent to the**
18 **charter participating states shall be subject to the process set forth**
19 **in IC 25-14.1-7-3(23) to determine if their enactments are**
20 **materially different from the model compact and whether they**
21 **qualify for participation in the compact.**

22 **(e) All actions taken for the benefit of the commission or in**
23 **furtherance of the purposes of the administration of the compact**
24 **prior to the effective date of the compact or the commission coming**
25 **into existence shall be considered to be actions of the commission**
26 **unless specifically repudiated by the commission.**

27 **(f) Any state that joins the compact subsequent to the**
28 **commission's initial adoption of the rules and bylaws shall be**
29 **subject to the commission's rules and bylaws as they exist on the**
30 **date on which the compact becomes law in that state. Any rule that**
31 **has been previously adopted by the commission shall have the full**
32 **force and effect of law on the day the compact becomes law in that**
33 **state.**

34 **Sec. 3. (a) Any participating state may withdraw from this**
35 **compact by enacting a statute repealing that state's enactment of**
36 **the compact.**

37 **(b) A participating state's withdrawal shall not take effect until**
38 **one hundred eighty (180) days after enactment of the repealing**
39 **statute.**

40 **(c) Withdrawal shall not affect the continuing requirement of**
41 **the withdrawing state's licensing authority or authorities to comply**
42 **with the investigative and adverse action reporting requirements**



1 of this compact prior to the effective date of withdrawal.

2 (d) Upon the enactment of a statute withdrawing from this
3 compact, the state shall immediately provide notice of such
4 withdrawal to all licensees within that state. Notwithstanding any
5 subsequent statutory enactment to the contrary, such withdrawing
6 state shall continue to recognize all compact privileges to practice
7 within that state granted pursuant to this compact for a minimum
8 of one hundred eighty (180) days after the date of such notice of
9 withdrawal.

10 Sec. 4. Nothing contained in this compact shall be construed to
11 invalidate or prevent any licensure agreement or other cooperative
12 arrangement between a participating state and a nonparticipating
13 state that does not conflict with the provisions of this compact.

14 Sec. 5. This compact may be amended by the participating
15 states. No amendment to this compact shall become effective and
16 binding upon any participating state until it is enacted into the laws
17 of all participating states.

18 **Chapter 12. Construction and Severability**

19 Sec. 1. This compact and the commission's rulemaking authority
20 shall be liberally construed so as to effectuate the purposes and the
21 implementation and administration of the compact. Provisions of
22 the compact expressly authorizing or requiring the promulgation
23 of rules shall not be construed to limit the commission's
24 rulemaking authority solely for those purposes.

25 Sec. 2. The provisions of this compact shall be severable and if
26 any phrase, clause, sentence, or provision of this compact is held by
27 a court of competent jurisdiction to be contrary to the constitution
28 of any participating state, a state seeking participation in the
29 compact, or of the United States, or the applicability thereof to any
30 government, agency, person, or circumstance is held to be
31 unconstitutional by a court of competent jurisdiction, the validity
32 of the remainder of this compact and the applicability of the
33 compact to any other government, agency, person, or circumstance
34 shall not be affected thereby.

35 Sec. 3. Notwithstanding section 2 of this chapter, the commission
36 may deny a state's participation in the compact or, in accordance
37 with the requirements of IC 25-14.1-10-2(a) and
38 IC 25-14.1-10-2(b), terminate a participating state's participation
39 in the compact, if it determines that a constitutional requirement
40 of a participating state is a material departure from the compact.
41 Otherwise, if this compact shall be held to be contrary to the
42 constitution of any participating state, the compact shall remain in



1 full force and effect as to the remaining participating states and in
2 full force and effect as to the participating state affected as to all
3 severable matters.

4 **Chapter 13. Consistent Effect and Conflict with Other State**
5 **Laws**

6 **Sec. 1. (a) Nothing in this article shall prevent or inhibit the**
7 **enforcement of any other law of a participating state that is not**
8 **inconsistent with the compact.**

9 **(b) Any laws, statutes, regulations, or other legal requirements**
10 **in a participating state in conflict with the compact are superseded**
11 **to the extent of the conflict.**

12 **(c) All permissible agreements between the commission and the**
13 **participating states are binding in accordance with their terms.**

14 SECTION 12. IC 34-30-2.1-367.6 IS ADDED TO THE INDIANA
15 CODE AS A NEW SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2024]: **Sec. 367.6. IC 25-14.1-7-8 (Concerning**
17 **the members, officers, executive director, employees, and**
18 **representatives of the Dentist and Dental Hygienist Compact**
19 **commission).**

