

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 824**

Introduced by Blood, 3.

Read first time January 03, 2024

Committee:

- 1 A BILL FOR AN ACT relating to public health; to amend section 38-1101,  
2 Revised Statutes Cumulative Supplement, 2022, and section 38-131,  
3 Revised Statutes Supplement, 2023; to adopt the Dentist and Dental  
4 Hygienist Compact; to change provisions relating to criminal  
5 background checks under the Uniform Credentialing Act; to require  
6 criminal background checks under the Dentistry Practice Act as  
7 prescribed; to harmonize provisions; to provide an operative date;  
8 and to repeal the original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1           Section 1. This section shall be known and may be cited as the  
2 Dentist and Dental Hygienist Compact. The State of Nebraska adopts the  
3 Dentist and Dental Hygienist Compact in the form substantially as  
4 follows:

5           SECTION 1. TITLE AND PURPOSE

6           The purposes of this Compact are to facilitate the interstate  
7 practice of dentistry and dental hygiene and improve public access to  
8 dentistry and dental hygiene services by providing Dentists and Dental  
9 Hygienists licensed in a Participating State the ability to practice in  
10 Participating States in which they are not licensed. The Compact does  
11 this by establishing a pathway for Dentists and Dental Hygienists  
12 licensed in a Participating State to obtain a Compact Privilege that  
13 authorizes them to practice in another Participating State in which they  
14 are not licensed. The Compact enables Participating States to protect the  
15 public health and safety with respect to the practice of such Dentists  
16 and Dental Hygienists, through the State's authority to regulate the  
17 practice of dentistry and dental hygiene in the State. The Compact:

18           A. Enables Dentists and Dental Hygienists who qualify for a Compact  
19 Privilege to practice in other Participating States without satisfying  
20 burdensome and duplicative requirements associated with securing a  
21 License to practice in those States;

22           B. Promotes mobility and addresses workforce shortages through each  
23 Participating State's acceptance of a Compact Privilege to practice in  
24 that State;

25           C. Increases public access to qualified, licensed Dentists and  
26 Dental Hygienists by creating a responsible, streamlined pathway for  
27 Licensees to practice in Participating States;

28           D. Enhances the ability of Participating States to protect the  
29 public's health and safety;

30           E. Does not interfere with licensure requirements established by a  
31 Participating State;

1        F. Facilitates the sharing of licensure and disciplinary information  
2 among Participating States;

3        G. Requires Dentists and Dental Hygienists who practice in a  
4 Participating State pursuant to a Compact Privilege to practice within  
5 the Scope of Practice authorized in that State;

6        H. Extends the authority of a Participating State to regulate the  
7 practice of dentistry and dental hygiene within its borders to Dentists  
8 and Dental Hygienists who practice in the State through a Compact  
9 Privilege;

10       I. Promotes the cooperation of Participating States in regulating  
11 the practice of dentistry and dental hygiene within those States; and

12       J. Facilitates the relocation of military members and their spouses  
13 who are licensed to practice dentistry or dental hygiene.

14       SECTION 2. DEFINITIONS

15       As used in this Compact, unless the context requires otherwise, the  
16 following definitions shall apply:

17       A. "Active Military Member" means any person with full-time duty  
18 status in the armed forces of the United States, including members of the  
19 National Guard and Reserve.

20       B. "Adverse Action" means disciplinary action or encumbrance imposed  
21 on a License or Compact Privilege by a State Licensing Authority.

22       C. "Alternative Program" means a nondisciplinary monitoring or  
23 practice remediation process applicable to a Dentist or Dental Hygienist  
24 approved by a State Licensing Authority of a Participating State in which  
25 the Dentist or Dental Hygienist is licensed. This includes, but is not  
26 limited to, programs to which Licensees with substance abuse or addiction  
27 issues are referred in lieu of Adverse Action.

28       D. "Clinical Assessment" means examination or process, required for  
29 licensure as a Dentist or Dental Hygienist as applicable, that provides  
30 evidence of clinical competence in dentistry or dental hygiene.

31       E. "Commissioner" means the individual appointed by a Participating

1 State to serve as the member of the Commission for that Participating  
2 State.

3 F. "Compact" means this Dentist and Dental Hygienist Compact.

4 G. "Compact Privilege" means the authorization granted by a Remote  
5 State to allow a Licensee from a Participating State to practice as a  
6 Dentist or Dental Hygienist in a Remote State.

7 H. "Continuing Professional Development" means a requirement, as a  
8 condition of License renewal, to provide evidence of successful  
9 participation in educational or professional activities relevant to  
10 practice or area of work.

11 I. "Criminal Background Check" means the submission of fingerprints  
12 or other biometric-based information for a License applicant for the  
13 purpose of obtaining that applicant's criminal history record  
14 information, as defined in 28 C.F.R. 20.3(d) from the Federal Bureau of  
15 Investigation and the State's criminal history record repository as  
16 defined in 28 C.F.R. 20.3(f).

17 J. "Data System" means the Commission's repository of information  
18 about Licensees, including, but not limited to, examination, licensure,  
19 investigative, Compact Privilege, Adverse Action, and Alternative  
20 Program.

21 K. "Dental Hygienist" means an individual who is licensed by a State  
22 Licensing Authority to practice dental hygiene.

23 L. "Dentist" means an individual who is licensed by a State  
24 Licensing Authority to practice dentistry.

25 M. "Dentist and Dental Hygienist Compact Commission" or "Commission"  
26 means a joint government agency established by this Compact comprised of  
27 each State that has enacted the Compact and a national administrative  
28 body comprised of a Commissioner from each State that has enacted the  
29 Compact.

30 N. "Encumbered License" means a License that a State Licensing  
31 Authority has limited in any way other than through an Alternative

1 Program.

2 O. "Executive Board" means the Chair, Vice Chair, Secretary, and  
3 Treasurer and any other Commissioners as may be determined by Commission  
4 Rule or bylaw.

5 P. "Jurisprudence Requirement" means the assessment of an  
6 individual's knowledge of the laws and Rules governing the practice of  
7 dentistry or dental hygiene, as applicable, in a State.

8 Q. "License" means current authorization by a State, other than  
9 authorization pursuant to a Compact Privilege, or other privilege, for an  
10 individual to practice as a Dentist or Dental Hygienist in that State.

11 R. "Licensee" means an individual who holds an unrestricted License  
12 from a Participating State to practice as a Dentist or Dental Hygienist  
13 in that State.

14 S. "Model Compact" means the model for the Dentist and Dental  
15 Hygienist Compact on file with the Council of State Governments or other  
16 entity as designated by the Commission.

17 T. "Participating State" means a State that has enacted the Compact  
18 and been admitted to the Commission in accordance with the provisions  
19 herein and Commission Rules.

20 U. "Qualifying License" means a License that is not an Encumbered  
21 License issued by a Participating State to practice dentistry or dental  
22 hygiene.

23 V. "Remote State" means a Participating State where a Licensee who  
24 is not licensed as a Dentist or Dental Hygienist is exercising or seeking  
25 to exercise the Compact Privilege.

26 W. "Rule" means a regulation promulgated by an entity that has the  
27 force of law.

28 X. "Scope of Practice" means the procedures, actions, and processes  
29 a Dentist or Dental Hygienist licensed in a State is permitted to  
30 undertake in that State and the circumstances under which the Licensee is  
31 permitted to undertake those procedures, actions, and processes. Such

1 procedures, actions, and processes and the circumstances under which they  
2 may be undertaken may be established through means, including, but not  
3 limited to, statute, regulations, case law, and other processes available  
4 to the State Licensing Authority or other government agency.

5 Y. "Significant Investigative Information" means information,  
6 records, and documents received or generated by a State Licensing  
7 Authority pursuant to an investigation for which a determination has been  
8 made that there is probable cause to believe that the Licensee has  
9 violated a statute or regulation that is considered more than a minor  
10 infraction for which the State Licensing Authority could pursue Adverse  
11 Action against the Licensee.

12 Z. "State" means any state, commonwealth, district, or territory of  
13 the United States of America that regulates the practices of dentistry  
14 and dental hygiene.

15 AA. "State Licensing Authority" means an agency or other entity of a  
16 State that is responsible for the licensing and regulation of Dentists or  
17 Dental Hygienists.

18 SECTION 3. STATE PARTICIPATION IN THE COMPACT

19 A. In order to join the Compact and thereafter continue as a  
20 Participating State, a State must:

21 1. Enact a compact that is not materially different from the Model  
22 Compact as determined in accordance with Commission Rules;

23 2. Participate fully in the Commission's Data System;

24 3. Have a mechanism in place for receiving and investigating  
25 complaints about its Licensees and License applicants;

26 4. Notify the Commission, in compliance with the terms of the  
27 Compact and Commission Rules, of any Adverse Action or the availability  
28 of Significant Investigative Information regarding a Licensee and License  
29 applicant;

30 5. Fully implement a Criminal Background Check requirement, within a  
31 timeframe established by Commission Rule, by receiving the results of a

1 qualifying Criminal Background Check;

2 6. Comply with the Commission Rules applicable to a Participating  
3 State;

4 7. Accept the National Board Examinations of the Joint Commission on  
5 National Dental Examinations or another examination accepted by  
6 Commission Rule as a licensure examination;

7 8. Accept for licensure applicants for a Dentist License that  
8 graduate from a predoctoral dental education program accredited by the  
9 Commission on Dental Accreditation, or another accrediting agency  
10 recognized by the United States Department of Education for the  
11 accreditation of dentistry and dental hygiene education programs, leading  
12 to the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine  
13 (D.M.D.) degree;

14 9. Accept for licensure applicants for a Dental Hygienist License  
15 that graduate from a dental hygiene education program accredited by the  
16 Commission on Dental Accreditation or another accrediting agency  
17 recognized by the United States Department of Education for the  
18 accreditation of dentistry and dental hygiene education programs;

19 10. Require for licensure that applicants successfully complete a  
20 Clinical Assessment;

21 11. Have Continuing Professional Development requirements as a  
22 condition for License renewal; and

23 12. Pay a participation fee to the Commission as established by  
24 Commission Rule.

25 B. Providing alternative pathways for an individual to obtain an  
26 unrestricted License does not disqualify a State from participating in  
27 the Compact.

28 C. When conducting a Criminal Background Check, the State Licensing  
29 Authority shall:

30 1. Consider that information in making a licensure decision;

31 2. Maintain documentation of completion of the Criminal Background

1 Check and background check information to the extent allowed by State and  
2 federal law; and

3 3. Report to the Commission whether it has completed the Criminal  
4 Background Check and whether the individual was granted or denied a  
5 License.

6 D. A Licensee of a Participating State who has a Qualifying License  
7 in that State and does not hold an Encumbered License in any other  
8 Participating State shall be issued a Compact Privilege in a Remote State  
9 in accordance with the terms of the Compact and Commission Rules. If a  
10 Remote State has a Jurisprudence Requirement, a Compact Privilege will  
11 not be issued to the Licensee unless the Licensee has satisfied the  
12 Jurisprudence Requirement.

13 SECTION 4. COMPACT PRIVILEGE

14 A. To obtain and exercise the Compact Privilege under the terms and  
15 provisions of the Compact, the Licensee shall:

16 1. Have a Qualifying License as a Dentist or Dental Hygienist in a  
17 Participating State;

18 2. Be eligible for a Compact Privilege in any Remote State in  
19 accordance with subsections D, G, and H of this section;

20 3. Submit to an application process whenever the Licensee is seeking  
21 a Compact Privilege;

22 4. Pay any applicable Commission and Remote State fees for a Compact  
23 Privilege in the Remote State;

24 5. Meet any Jurisprudence Requirement established by a Remote State  
25 in which the Licensee is seeking a Compact Privilege;

26 6. Have passed a National Board Examination of the Joint Commission  
27 on National Dental Examinations or another examination accepted by  
28 Commission Rule;

29 7. For a Dentist, have graduated from a predoctoral dental education  
30 program accredited by the Commission on Dental Accreditation, or another  
31 accrediting agency recognized by the United States Department of



1 Education for the accreditation of dentistry and dental hygiene education  
2 programs, leading to the Doctor of Dental Surgery (D.D.S.) or Doctor of  
3 Dental Medicine (D.M.D.) degree;

4 8. For a Dental Hygienist, have graduated from a dental hygiene  
5 education program accredited by the Commission on Dental Accreditation or  
6 another accrediting agency recognized by the United States Department of  
7 Education for the accreditation of dentistry and dental hygiene education  
8 programs;

9 9. Have successfully completed a Clinical Assessment for licensure;

10 10. Report to the Commission Adverse Action taken by any non-  
11 Participating State when applying for a Compact Privilege and, otherwise,  
12 within thirty days from the date the Adverse Action is taken;

13 11. Report to the Commission when applying for a Compact Privilege  
14 the address of the Licensee's primary residence and thereafter  
15 immediately report to the Commission any change in the address of the  
16 Licensee's primary residence; and

17 12. Consent to accept service of process by mail at the Licensee's  
18 primary residence on record with the Commission with respect to any  
19 action brought against the Licensee by the Commission or a Participating  
20 State, and consent to accept service of a subpoena by mail at the  
21 Licensee's primary residence on record with the Commission with respect  
22 to any action brought or investigation conducted by the Commission or a  
23 Participating State.

24 B. The Licensee must comply with the requirements of subsection A of  
25 this section to maintain the Compact Privilege in the Remote State. If  
26 those requirements are met, the Compact Privilege will continue as long  
27 as the Licensee maintains a Qualifying License in the State through which  
28 the Licensee applied for the Compact Privilege and pays any applicable  
29 Compact Privilege renewal fees.

30 C. A Licensee providing dentistry or dental hygiene in a Remote  
31 State under the Compact Privilege shall function within the Scope of

1 Practice authorized by the Remote State for a Dentist or Dental Hygienist  
2 licensed in that State.

3 D. A Licensee providing dentistry or dental hygiene pursuant to a  
4 Compact Privilege in a Remote State is subject to that State's regulatory  
5 authority. A Remote State may, in accordance with due process and that  
6 State's laws, by Adverse Action revoke or remove a Licensee's Compact  
7 Privilege in the Remote State for a specific period of time and impose  
8 finances or take any other necessary actions to protect the health and  
9 safety of its citizens. If a Remote State imposes an Adverse Action  
10 against a Compact Privilege that limits the Compact Privilege, that  
11 Adverse Action applies to all Compact Privileges in all Remote States. A  
12 Licensee whose Compact Privilege in a Remote State is removed for a  
13 specified period of time is not eligible for a Compact Privilege in any  
14 other Remote State until the specific time for removal of the Compact  
15 Privilege has passed and all encumbrance requirements are satisfied.

16 E. If a License in a Participating State is an Encumbered License,  
17 the Licensee shall lose the Compact Privilege in a Remote State and shall  
18 not be eligible for a Compact Privilege in any Remote State until the  
19 License is no longer encumbered.

20 F. Once an Encumbered License in a Participating State is restored  
21 to good standing, the Licensee must meet the requirements of subsection A  
22 of this section to obtain a Compact Privilege in a Remote State.

23 G. If a Licensee's Compact Privilege in a Remote State is removed by  
24 the Remote State, the individual shall lose or be ineligible for the  
25 Compact Privilege in any Remote State until the following occur:

26 1. The specific period of time for which the Compact Privilege was  
27 removed has ended; and

28 2. All conditions for removal of the Compact Privilege have been  
29 satisfied.

30 H. Once the requirements of subsection G of this section have been  
31 met, the Licensee must meet the requirements in subsection A of this

1 section to obtain a Compact Privilege in a Remote State.

2 SECTION 5. ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

3 An Active Military Member and the member's spouse shall not be  
4 required to pay to the Commission for a Compact Privilege the fee  
5 otherwise charged by the Commission. If a Remote State chooses to charge  
6 a fee for a Compact Privilege, it may choose to charge a reduced fee or  
7 no fee to an Active Military Member and the member's spouse for a Compact  
8 Privilege.

9 SECTION 6. ADVERSE ACTIONS

10 A. A Participating State in which a Licensee is licensed shall have  
11 exclusive authority to impose Adverse Action against the Qualifying  
12 License issued by that Participating State.

13 B. A Participating State may take Adverse Action based on the  
14 Significant Investigative Information of a Remote State, so long as the  
15 Participating State follows its own procedures for imposing Adverse  
16 Action.

17 C. Nothing in this Compact shall override a Participating State's  
18 decision that participation in an Alternative Program may be used in lieu  
19 of Adverse Action and that such participation shall remain nonpublic if  
20 required by the Participating State's laws. Participating States must  
21 require Licensees who enter any Alternative Program in lieu of discipline  
22 to agree not to practice pursuant to a Compact Privilege in any other  
23 Participating State during the term of the Alternative Program without  
24 prior authorization from such other Participating State.

25 D. Any Participating State in which a Licensee is applying to  
26 practice or is practicing pursuant to a Compact Privilege may investigate  
27 actual or alleged violations of the statutes and regulations authorizing  
28 the practice of dentistry or dental hygiene in any other Participating  
29 State in which the Dentist or Dental Hygienist holds a License or Compact  
30 Privilege.

31 E. A Remote State shall have the authority to:

1       1. Take Adverse Actions as set forth in Section 4.D against a  
2 Licensee's Compact Privilege in the State;

3       2. In furtherance of its rights and responsibilities under the  
4 Compact and the Commission's Rules, issue subpoenas for hearings and  
5 investigations that require the attendance and testimony of witnesses and  
6 for the production of evidence. Subpoenas issued by a State Licensing  
7 Authority in a Participating State for the attendance and testimony of  
8 witnesses, or the production of evidence from another Participating  
9 State, shall be enforced in the latter State by any court of competent  
10 jurisdiction, according to the practice and procedure of that court  
11 applicable to subpoenas issued in proceedings pending before it. The  
12 issuing authority shall pay any witness fees, travel expenses, mileage,  
13 and other fees required by the service statutes of the State where the  
14 witnesses or evidence are located; and

15       3. If otherwise permitted by State law, recover from the Licensee  
16 the costs of investigations and disposition of cases resulting from any  
17 Adverse Action taken against that Licensee.

18       F. Joint Investigations

19       1. In addition to the authority granted to a Participating State by  
20 its Dentist or Dental Hygienist licensure act or other applicable State  
21 law, a Participating State may jointly investigate Licensees with other  
22 Participating States.

23       2. Participating States shall share any Significant Investigative  
24 Information, litigation, or compliance materials in furtherance of any  
25 joint or individual investigation initiated under the Compact.

26       G. Authority to Continue Investigation

27       1. After a Licensee's Compact Privilege in a Remote State is  
28 terminated, the Remote State may continue an investigation of the  
29 Licensee that began when the Licensee had a Compact Privilege in that  
30 Remote State.

31       2. If the investigation yields what would be Significant

1 Investigative Information had the Licensee continued to have a Compact  
2 Privilege in that Remote State, the Remote State shall report the  
3 presence of such information to the Data System as required by Section  
4 8.B.6 as if it was Significant Investigative Information.

5 SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION.

6 A. The Compact Participating States hereby create and establish a  
7 joint government agency whose membership consists of all Participating  
8 States that have enacted the Compact. The Commission is an  
9 instrumentality of the Participating States acting jointly and not an  
10 instrumentality of any one State. The Commission shall come into  
11 existence on or after the effective date of the Compact as set forth in  
12 Section 11.A.

13 B. Participation, Voting, and Meetings

14 1. Each Participating State shall have and be limited to one  
15 Commissioner selected by that Participating State's State Licensing  
16 Authority or, if the State has more than one State Licensing Authority,  
17 selected collectively by the State Licensing Authorities.

18 2. The Commissioner shall be a member or designee of such Authority  
19 or Authorities.

20 3. The Commission may by Rule or bylaw establish a term of office  
21 for Commissioners and may by Rule or bylaw establish term limits.

22 4. The Commission may recommend to a State Licensing Authority or  
23 Authorities, as applicable, removal or suspension of an individual as the  
24 State's Commissioner.

25 5. A Participating State's State Licensing Authority, or  
26 Authorities, as applicable, shall fill any vacancy of its Commissioner on  
27 the Commission within sixty days of the vacancy.

28 6. Each Commissioner shall be entitled to one vote on all matters  
29 that are voted upon by the Commission.

30 7. The Commission shall meet at least once during each calendar  
31 year. Additional meetings may be held as set forth in the bylaws. The

1 Commission may meet by telecommunication, videoconference, or other  
2 similar electronic means.

3 C. The Commission shall have the following powers:

4 1. Establish the fiscal year of the Commission;

5 2. Establish a code of conduct and conflict of interest policies;

6 3. Adopt Rules and bylaws;

7 4. Maintain its financial records in accordance with the bylaws;

8 5. Meet and take such actions as are consistent with the provisions  
9 of this Compact, the Commission's Rules, and the bylaws;

10 6. Initiate and conclude legal proceedings or actions in the name of  
11 the Commission, provided that the standing of any State Licensing  
12 Authority to sue or be sued under applicable law shall not be affected;

13 7. Maintain and certify records and information provided to a  
14 Participating State as the authenticated business records of the  
15 Commission, and designate a person to do so on the Commission's behalf;

16 8. Purchase and maintain insurance and bonds;

17 9. Borrow, accept, or contract for services of personnel, including,  
18 but not limited to, employees of a Participating State;

19 10. Conduct an annual financial review;

20 11. Hire employees, elect or appoint officers, fix compensation,  
21 define duties, grant such individuals appropriate authority to carry out  
22 the purposes of the Compact, and establish the Commission's personnel  
23 policies and programs relating to conflicts of interest, qualifications  
24 of personnel, and other related personnel matters;

25 12. As set forth in the Commission Rules, charge a fee to a Licensee  
26 for the grant of a Compact Privilege in a Remote State and thereafter, as  
27 may be established by Commission Rule, charge the Licensee a Compact  
28 Privilege renewal fee for each renewal period in which that Licensee  
29 exercises or intends to exercise the Compact Privilege in that Remote  
30 State. Nothing herein shall be construed to prevent a Remote State from  
31 charging a Licensee a fee for a Compact Privilege or renewals of a

1 Compact Privilege, or a fee for the Jurisprudence Requirement if the  
2 Remote State imposes such a requirement for the grant of a Compact  
3 Privilege;

4 13. Accept any and all appropriate gifts, donations, grants of  
5 money, other sources of revenue, equipment, supplies, materials, and  
6 services, and receive, utilize, and dispose of the same; provided that at  
7 all times the Commission shall avoid any appearance of impropriety and/or  
8 conflict of interest;

9 14. Lease, purchase, retain, own, hold, improve, or use any  
10 property, real, personal, or mixed, or any undivided interest therein;

11 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or  
12 otherwise dispose of any property, real, personal, or mixed;

13 16. Establish a budget and make expenditures;

14 17. Borrow money;

15 18. Appoint committees, including standing committees, which may be  
16 composed of members, State regulators, State legislators or their  
17 representatives, and consumer representatives, and such other interested  
18 persons as may be designated in this Compact and the bylaws;

19 19. Provide and receive information from, and cooperate with, law  
20 enforcement agencies;

21 20. Elect a Chair, Vice Chair, Secretary, and Treasurer and such  
22 other officers of the Commission as provided in the Commission's bylaws;

23 21. Establish and elect an Executive Board;

24 22. Adopt and provide to the Participating States an annual report;

25 23. Determine whether a State's enacted compact is materially  
26 different from the Model Compact language such that the State would not  
27 qualify for participation in the Compact; and

28 24. Perform such other functions as may be necessary or appropriate  
29 to achieve the purposes of this Compact.

30 D. Meetings of the Commission

31 1. All meetings of the Commission that are not closed pursuant to

1 this subsection shall be open to the public. Notice of public meetings  
2 shall be posted on the Commission's website at least thirty days prior to  
3 the public meeting.

4 2. Notwithstanding subsection D.1 of this section, the Commission  
5 may convene an emergency public meeting by providing at least twenty-four  
6 hours prior notice on the Commission's website, and any other means as  
7 provided in the Commission's Rules, for any of the reasons it may  
8 dispense with notice of proposed rulemaking under Section 9.L. The  
9 Commission's legal counsel shall certify that one of the reasons  
10 justifying an emergency public meeting has been met.

11 3. Notice of all Commission meetings shall provide the time, date,  
12 and location of the meeting, and if the meeting is to be held or  
13 accessible via telecommunication, videoconference, or other electronic  
14 means, the notice shall include the mechanism for access to the meeting  
15 through such means.

16 4. The Commission may convene in a closed, nonpublic meeting for the  
17 Commission to receive legal advice or to discuss:

18 a. Noncompliance of a Participating State with its obligations under  
19 the Compact;

20 b. The employment, compensation, discipline, or other matters,  
21 practices, or procedures related to specific employees or other matters  
22 related to the Commission's internal personnel practices and procedures;

23 c. Current or threatened discipline of a Licensee or Compact  
24 Privilege holder by the Commission or by a Participating State's  
25 Licensing Authority;

26 d. Current, threatened, or reasonably anticipated litigation;

27 e. Negotiation of contracts for the purchase, lease, or sale of  
28 goods, services, or real estate;

29 f. Accusing any person of a crime or formally censuring any person;

30 g. Trade secrets or commercial or financial information that is  
31 privileged or confidential;



1 h. Information of a personal nature where disclosure would  
2 constitute a clearly unwarranted invasion of personal privacy;

3 i. Investigative records compiled for law enforcement purposes;

4 j. Information related to any investigative reports prepared by or  
5 on behalf of or for use of the Commission or other committee charged with  
6 responsibility of investigation or determination of compliance issues  
7 pursuant to the Compact;

8 k. Legal advice;

9 l. Matters specifically exempted from disclosure to the public by  
10 federal or Participating State law; and

11 m. Other matters as promulgated by the Commission by Rule.

12 5. If a meeting, or portion of a meeting, is closed, the presiding  
13 officer shall state that the meeting will be closed and reference each  
14 relevant exempting provision, and such reference shall be recorded in the  
15 minutes.

16 6. The Commission shall keep minutes that fully and clearly describe  
17 all matters discussed in a meeting and shall provide a full and accurate  
18 summary of actions taken, and the reasons therefor, including a  
19 description of the views expressed. All documents considered in  
20 connection with an action shall be identified in such minutes. All  
21 minutes and documents of a closed meeting shall remain under seal,  
22 subject to release only by a majority vote of the Commission or order of  
23 a court of competent jurisdiction.

24 E. Financing of the Commission

25 1. The Commission shall pay, or provide for the payment of, the  
26 reasonable expenses of its establishment, organization, and ongoing  
27 activities.

28 2. The Commission may accept any and all appropriate sources of  
29 revenue, donations, and grants of money, equipment, supplies, materials,  
30 and services.

31 3. The Commission may levy on and collect an annual assessment from

1 each Participating State and impose fees on Licensees of Participating  
2 States when a Compact Privilege is granted, to cover the cost of the  
3 operations and activities of the Commission and its staff, which must be  
4 in a total amount sufficient to cover its annual budget as approved each  
5 fiscal year for which sufficient revenue is not provided by other  
6 sources. The aggregate annual assessment amount for Participating States  
7 shall be allocated based upon a formula that the Commission shall  
8 promulgate by Rule.

9 4. The Commission shall not incur obligations of any kind prior to  
10 securing the funds adequate to meet the same; nor shall the Commission  
11 pledge the credit of any Participating State, except by and with the  
12 authority of the Participating State.

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

21 F. The Executive Board

22 1. The Executive Board shall have the power to act on behalf of the  
23 Commission according to the terms of this Compact. The powers, duties,  
24 and responsibilities of the Executive Board shall include:

25 a. Overseeing the day-to-day activities of the administration of the  
26 Compact including compliance with the provisions of the Compact and the  
27 Commission's Rules and bylaws;

28 b. Recommending to the Commission changes to the Rules or bylaws,  
29 changes to this Compact legislation, fees charged to Compact  
30 Participating States, fees charged to Licensees, and other fees;

31 c. Ensuring Compact administration services are appropriately

1 provided, including by contract;

2 d. Preparing and recommending the budget;

3 e. Maintaining financial records on behalf of the Commission;

4 f. Monitoring Compact compliance of Participating States and

5 providing compliance reports to the Commission;

6 g. Establishing additional committees as necessary;

7 h. Exercising the powers and duties of the Commission during the

8 interim between Commission meetings, except for adopting or amending

9 Rules, adopting or amending bylaws, and exercising any other powers and

10 duties expressly reserved to the Commission by Rule or bylaw; and

11 i. Other duties as provided in the Rules or bylaws of the

12 Commission.

13 2. The Executive Board shall be composed of up to seven members:

14 a. The Chair, Vice Chair, Secretary, and Treasurer of the Commission

15 and any other members of the Commission who serve on the Executive Board

16 shall be voting members of the Executive Board; and

17 b. Other than the Chair, Vice Chair, Secretary, and Treasurer, the

18 Commission may elect up to three voting members from the current

19 membership of the Commission.

20 3. The Commission may remove any member of the Executive Board as

21 provided in the Commission's bylaws.

22 4. The Executive Board shall meet at least annually.

23 a. An Executive Board meeting at which it takes or intends to take

24 formal action on a matter shall be open to the public, except that the

25 Executive Board may meet in a closed, nonpublic session of a public

26 meeting when dealing with any of the matters covered under subsection D.4

27 of this section.

28 b. The Executive Board shall give five business days' notice of its

29 public meetings, posted on its website and as it may otherwise determine

30 to provide notice to persons with an interest in the public matters the

31 Executive Board intends to address at those meetings.

1           5. The Executive Board may hold an emergency meeting when acting for  
2 the Commission to:

3           a. Meet an imminent threat to public health, safety, or welfare;

4           b. Prevent a loss of Commission or Participating State funds; or

5           c. Protect public health and safety.

6           G. Qualified Immunity, Defense, and Indemnification

7           1. The members, officers, executive director, employees, and  
8 representatives of the Commission shall have no greater liability than a  
9 state employee would have under the same or similar circumstances, either  
10 personally or in their official capacity, for any claim for damage to or  
11 loss of property or personal injury or other civil liability caused by or  
12 arising out of any actual or alleged act, error, or omission that  
13 occurred, or that the person against whom the claim is made had a  
14 reasonable basis for believing occurred, within the scope of Commission  
15 employment, duties, or responsibilities; provided that nothing in this  
16 paragraph shall be construed to protect any such person from suit or  
17 liability for any damage, loss, injury, or liability caused by the  
18 intentional or willful or wanton misconduct of that person. The  
19 procurement of insurance of any type by the Commission shall not in any  
20 way compromise or limit the immunity granted hereunder.

21           2. The Commission shall defend any member, officer, executive  
22 director, employee, or representative of the Commission in any civil  
23 action seeking to impose liability arising out of any actual or alleged  
24 act, error, or omission that occurred within the scope of Commission  
25 employment, duties, or responsibilities, or that the person against whom  
26 the claim is made had a reasonable basis for believing occurred within  
27 the scope of Commission employment, duties, or responsibilities; provided  
28 that nothing herein shall be construed to prohibit that person from  
29 retaining their own counsel at their own expense; and provided further,  
30 that the actual or alleged act, error, or omission did not result from  
31 that person's intentional or willful or wanton misconduct.

1           3. The Commission shall indemnify and hold harmless any member,  
2 officer, executive director, employee, or representative of the  
3 Commission for the amount of any settlement or judgment obtained against  
4 that person arising out of any actual or alleged act, error, or omission  
5 that occurred within the scope of Commission employment, duties, or  
6 responsibilities, or that such person had a reasonable basis for  
7 believing occurred within the scope of Commission employment, duties, or  
8 responsibilities; provided that the actual or alleged act, error, or  
9 omission did not result from the intentional or willful or wanton  
10 misconduct of that person.

11           4. Nothing herein shall be construed as a limitation on the  
12 liability of any Licensee for professional malpractice or misconduct,  
13 which shall be governed solely by any other applicable State laws.

14           5. Nothing in this Compact shall be interpreted to waive or  
15 otherwise abrogate a Participating State's state action immunity or state  
16 action affirmative defense with respect to antitrust claims under the  
17 Sherman Act, the Clayton Act, or any other State or federal antitrust or  
18 anticompetitive law or regulation.

19           6. Nothing in this Compact shall be construed to be a waiver of  
20 sovereign immunity by the Participating States or by the Commission.

21           SECTION 8. DATA SYSTEM

22           A. The Commission shall provide for the development, maintenance,  
23 operation, and utilization of a coordinated database and reporting system  
24 containing licensure, Adverse Action, and the presence of Significant  
25 Investigative Information on all Licensees and applicants for a License  
26 in Participating States.

27           B. Notwithstanding any other provision of State law to the contrary,  
28 a Participating State shall submit a uniform data set to the Data System  
29 on all individuals to whom this Compact is applicable as required by the  
30 Rules of the Commission, including:

31           1. Identifying information;

1           2. Licensure data;

2           3. Adverse Actions against a Licensee, License applicant, or Compact  
3 Privilege and information related thereto;

4           4. Nonconfidential information related to Alternative Program  
5 participation, the beginning and ending dates of such participation, and  
6 other information related to such participation;

7           5. Any denial of an application for licensure, and the reason(s) for  
8 such denial, (excluding the reporting of any criminal history record  
9 information where prohibited by law);

10           6. The presence of Significant Investigative Information; and

11           7. Other information that may facilitate the administration of this  
12 Compact or the protection of the public, as determined by the Rules of  
13 the Commission.

14           C. The records and information provided to a Participating State  
15 pursuant to this Compact or through the Data System, when certified by  
16 the Commission or an agent thereof, shall constitute the authenticated  
17 business records of the Commission, and shall be entitled to any  
18 associated hearsay exception in any relevant judicial, quasi-judicial, or  
19 administrative proceedings in a Participating State.

20           D. Significant Investigative Information pertaining to a Licensee in  
21 any Participating State will only be available to other Participating  
22 States.

23           E. It is the responsibility of the Participating States to monitor  
24 the database to determine whether Adverse Action has been taken against a  
25 Licensee or License applicant. Adverse Action information pertaining to a  
26 Licensee or License applicant in any Participating State will be  
27 available to any other Participating State.

28           F. Participating States contributing information to the Data System  
29 may designate information that may not be shared with the public without  
30 the express permission of the contributing State.

31           G. Any information submitted to the Data System that is subsequently

1 expunged pursuant to federal law or the laws of the Participating State  
2 contributing the information shall be removed from the Data System.

3 SECTION 9. RULEMAKING

4 A. The Commission shall promulgate reasonable Rules in order to  
5 effectively and efficiently implement and administer the purposes and  
6 provisions of the Compact. A Commission Rule shall be invalid and have no  
7 force or effect only if a court of competent jurisdiction holds that the  
8 Rule is invalid because the Commission exercised its rulemaking authority  
9 in a manner that is beyond the scope and purposes of the Compact, or the  
10 powers granted hereunder, or based upon another applicable standard of  
11 review.

12 B. The Rules of the Commission shall have the force of law in each  
13 Participating State, provided however that where the Rules of the  
14 Commission conflict with the laws of the Participating State that  
15 establish the Participating State's Scope of Practice as held by a court  
16 of competent jurisdiction, the Rules of the Commission shall be  
17 ineffective in that State to the extent of the conflict.

18 C. The Commission shall exercise its Rulemaking powers pursuant to  
19 the criteria set forth in this section and the Rules adopted thereunder.  
20 Rules shall become binding as of the date specified by the Commission for  
21 each Rule.

22 D. If a majority of the legislatures of the Participating States  
23 reject a Commission Rule or portion of a Commission Rule, by enactment of  
24 a statute or resolution in the same manner used to adopt the Compact,  
25 within four years of the date of adoption of the Rule, then such Rule  
26 shall have no further force and effect in any Participating State or to  
27 any State applying to participate in the Compact.

28 E. Rules shall be adopted at a regular or special meeting of the  
29 Commission.

30 F. Prior to adoption of a proposed Rule, the Commission shall hold a  
31 public hearing and allow persons to provide oral and written comments,

1 data, facts, opinions, and arguments.

2 G. Prior to adoption of a proposed Rule by the Commission, and at  
3 least thirty days in advance of the meeting at which the Commission will  
4 hold a public hearing on the proposed Rule, the Commission shall provide  
5 a Notice of Proposed Rulemaking:

6 1. On the website of the Commission or other publicly accessible  
7 platform;

8 2. To persons who have requested notice of the Commission's notices  
9 of proposed rulemaking; and

10 3. In such other ways as the Commission may by Rule specify.

11 H. The Notice of Proposed Rulemaking shall include:

12 1. The time, date, and location of the public hearing at which the  
13 Commission will hear public comments on the proposed Rule and, if  
14 different, the time, date, and location of the meeting where the  
15 Commission will consider and vote on the proposed Rule;

16 2. If the hearing is held via telecommunication, videoconference, or  
17 other electronic means, the Commission shall include the mechanism for  
18 access to the hearing in the Notice of Proposed Rulemaking;

19 3. The text of the proposed Rule and the reason therefor;

20 4. A request for comments on the proposed Rule from any interested  
21 person; and

22 5. The manner in which interested persons may submit written  
23 comments.

24 I. All hearings will be recorded. A copy of the recording and all  
25 written comments and documents received by the Commission in response to  
26 the proposed Rule shall be available to the public.

27 J. Nothing in this section shall be construed as requiring a  
28 separate hearing on each Commission Rule. Rules may be grouped for the  
29 convenience of the Commission at hearings required by this section.

30 K. The Commission shall, by majority vote of all Commissioners, take  
31 final action on the proposed Rule based on the rulemaking record.



1           1. The Commission may adopt changes to the proposed Rule provided  
2 the changes do not enlarge the original purpose of the proposed Rule.

3           2. The Commission shall provide an explanation of the reasons for  
4 substantive changes made to the proposed Rule as well as reasons for  
5 substantive changes not made that were recommended by commenters.

6           3. The Commission shall determine a reasonable effective date for  
7 the Rule. Except for an emergency as provided in subsection L of this  
8 section, the effective date of the Rule shall be no sooner than thirty  
9 days after the Commission issuing the notice that it adopted or amended  
10 the Rule.

11           L. Upon determination that an emergency exists, the Commission may  
12 consider and adopt an emergency Rule with twenty-four hours' notice, with  
13 opportunity to comment, provided that the usual rulemaking procedures  
14 provided in the Compact and in this section shall be retroactively  
15 applied to the Rule as soon as reasonably possible, in no event later  
16 than ninety days after the effective date of the Rule. For the purposes  
17 of this provision, an emergency Rule is one that must be adopted  
18 immediately in order to:

- 19           1. Meet an imminent threat to public health, safety, or welfare;  
20           2. Prevent a loss of Commission or Participating State funds;  
21           3. Meet a deadline for the promulgation of a Rule that is  
22 established by federal law or rule; or  
23           4. Protect public health and safety.

24           M. The Commission or an authorized committee of the Commission may  
25 direct revisions to a previously adopted Rule for purposes of correcting  
26 typographical errors, errors in format, errors in consistency, or  
27 grammatical errors. Public notice of any revisions shall be posted on the  
28 website of the Commission. The revision shall be subject to challenge by  
29 any person for a period of thirty days after posting. The revision may be  
30 challenged only on grounds that the revision results in a material change  
31 to a Rule. A challenge shall be made in writing and delivered to the

1 Commission prior to the end of the notice period. If no challenge is  
2 made, the revision will take effect without further action. If the  
3 revision is challenged, the revision may not take effect without the  
4 approval of the Commission.

5 N. No Participating State's rulemaking requirements shall apply  
6 under this Compact.

7 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

8 A. Oversight

9 1. The executive and judicial branches of State government in each  
10 Participating State shall enforce this Compact and take all actions  
11 necessary and appropriate to implement the Compact.

12 2. Venue is proper and judicial proceedings by or against the  
13 Commission shall be brought solely and exclusively in a court of  
14 competent jurisdiction where the principal office of the Commission is  
15 located. The Commission may waive venue and jurisdictional defenses to  
16 the extent it adopts or consents to participate in alternative dispute  
17 resolution proceedings. Nothing herein shall affect or limit the  
18 selection or propriety of venue in any action against a Licensee for  
19 professional malpractice, misconduct, or any such similar matter.

20 3. The Commission shall be entitled to receive service of process in  
21 any proceeding regarding the enforcement or interpretation of the Compact  
22 or Commission Rule and shall have standing to intervene in such a  
23 proceeding for all purposes. Failure to provide the Commission service of  
24 process shall render a judgment or order void as to the Commission, this  
25 Compact, or promulgated Rules.

26 B. Default, Technical Assistance, and Termination

27 1. If the Commission determines that a Participating State has  
28 defaulted in the performance of its obligations or responsibilities under  
29 this Compact or the promulgated Rules, the Commission shall provide  
30 written notice to the defaulting State. The notice of default shall  
31 describe the default, the proposed means of curing the default, and any

1 other action that the Commission may take, and shall offer training and  
2 specific technical assistance regarding the default.

3 2. The Commission shall provide a copy of the notice of default to  
4 the other Participating States.

5 C. If a State in default fails to cure the default, the defaulting  
6 State may be terminated from the Compact upon an affirmative vote of a  
7 majority of the Commissioners, and all rights, privileges, and benefits  
8 conferred on that State by this Compact may be terminated on the  
9 effective date of termination. A cure of the default does not relieve the  
10 offending State of obligations or liabilities incurred during the period  
11 of default.

12 D. Termination of participation in the Compact shall be imposed only  
13 after all other means of securing compliance have been exhausted. Notice  
14 of intent to suspend or terminate shall be given by the Commission to the  
15 governor, the majority and minority leaders of the defaulting State's  
16 legislature, the defaulting State's State Licensing Authority or  
17 Authorities, as applicable, and each of the Participating States' State  
18 Licensing Authority or Authorities, as applicable.

19 E. A State that has been terminated is responsible for all  
20 assessments, obligations, and liabilities incurred through the effective  
21 date of termination, including obligations that extend beyond the  
22 effective date of termination.

23 F. Upon the termination of a State's participation in this Compact,  
24 that State shall immediately provide notice to all Licensees of the  
25 State, including Licensees of other Participating States issued a Compact  
26 Privilege to practice within that State, of such termination. The  
27 terminated State shall continue to recognize all Compact Privileges then  
28 in effect in that State for a minimum of one hundred eighty days after  
29 the date of the notice of termination.

30 G. The Commission shall not bear any costs related to a State that  
31 is found to be in default or that has been terminated from the Compact,

1 unless agreed upon in writing between the Commission and the defaulting  
2 State.

3 H. The defaulting State may appeal the action of the Commission by  
4 petitioning the United States District Court for the District of Columbia  
5 or the federal district where the Commission has its principal offices.  
6 The prevailing party shall be awarded all costs of such litigation,  
7 including reasonable attorney's fees.

8 I. Dispute Resolution

9 1. Upon request by a Participating State, the Commission shall  
10 attempt to resolve disputes related to the Compact that arise among  
11 Participating States and between Participating States and non-  
12 Participating States.

13 2. The Commission shall promulgate a Rule providing for both  
14 mediation and binding dispute resolution for disputes as appropriate.

15 J. Enforcement

16 1. The Commission, in the reasonable exercise of its discretion,  
17 shall enforce the provisions of this Compact and the Commission's Rules.

18 2. By majority vote, the Commission may initiate legal action  
19 against a Participating State in default in the United States District  
20 Court for the District of Columbia or the federal district where the  
21 Commission has its principal offices to enforce compliance with the  
22 provisions of the Compact and its promulgated Rules. The relief sought  
23 may include both injunctive relief and damages. In the event judicial  
24 enforcement is necessary, the prevailing party shall be awarded all costs  
25 of such litigation, including reasonable attorney's fees. The remedies  
26 herein shall not be the exclusive remedies of the Commission. The  
27 Commission may pursue any other remedies available under federal or the  
28 defaulting Participating State's law.

29 3. A Participating State may initiate legal action against the  
30 Commission in the United States District Court for the District of  
31 Columbia or the federal district where the Commission has its principal

1 offices to enforce compliance with the provisions of the Compact and its  
2 promulgated Rules. The relief sought may include both injunctive relief  
3 and damages. In the event judicial enforcement is necessary, the  
4 prevailing party shall be awarded all costs of such litigation, including  
5 reasonable attorney's fees.

6 4. No individual or entity other than a Participating State may  
7 enforce this Compact against the Commission.

8 SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

9 A. The Compact shall come into effect on the date on which the  
10 Compact statute is enacted into law in the seventh Participating State.

11 1. On or after the effective date of the Compact, the Commission  
12 shall convene and review the enactment of each of the States that enacted  
13 the Compact prior to the Commission convening ("Charter Participating  
14 States") to determine if the statute enacted by each such Charter  
15 Participating State is materially different than the Model Compact.

16 a. A Charter Participating State whose enactment is found to be  
17 materially different from the Model Compact shall be entitled to the  
18 default process set forth in Section 10.

19 b. If any Participating State is later found to be in default, or is  
20 terminated or withdraws from the Compact, the Commission shall remain in  
21 existence and the Compact shall remain in effect even if the number of  
22 Participating States should be less than seven.

23 2. Participating States enacting the Compact subsequent to the  
24 Charter Participating States shall be subject to the process set forth in  
25 Section 7.C.23 to determine if their enactments are materially different  
26 from the Model Compact and whether they qualify for participation in the  
27 Compact.

28 3. All actions taken for the benefit of the Commission or in  
29 furtherance of the purposes of the administration of the Compact prior to  
30 the effective date of the Compact or the Commission coming into existence  
31 shall be considered to be actions of the Commission unless specifically

1 repudiated by the Commission.

2 4. Any State that joins the Compact subsequent to the Commission's  
3 initial adoption of the Rules and bylaws shall be subject to the  
4 Commission's Rules and bylaws as they exist on the date on which the  
5 Compact becomes law in that State. Any Rule that has been previously  
6 adopted by the Commission shall have the full force and effect of law on  
7 the day the Compact becomes law in that State.

8 B. Any Participating State may withdraw from this Compact by  
9 enacting a statute repealing that State's enactment of the Compact.

10 1. A Participating State's withdrawal shall not take effect until  
11 one hundred eighty days after enactment of the repealing statute.

12 2. Withdrawal shall not affect the continuing requirement of the  
13 withdrawing State's Licensing Authority or Authorities to comply with the  
14 investigative and Adverse Action reporting requirements of this Compact  
15 prior to the effective date of withdrawal.

16 3. Upon the enactment of a statute withdrawing from this Compact,  
17 the State shall immediately provide notice of such withdrawal to all  
18 Licensees within that State. Notwithstanding any subsequent statutory  
19 enactment to the contrary, such withdrawing State shall continue to  
20 recognize all Compact Privileges to practice within that State granted  
21 pursuant to this Compact for a minimum of one hundred eighty days after  
22 the date of such notice of withdrawal.

23 C. Nothing contained in this Compact shall be construed to  
24 invalidate or prevent any licensure agreement or other cooperative  
25 arrangement between a Participating State and a non-Participating State  
26 that does not conflict with the provisions of this Compact.

27 D. This Compact may be amended by the Participating States. No  
28 amendment to this Compact shall become effective and binding upon any  
29 Participating State until it is enacted into the laws of all  
30 Participating States.

31 SECTION 12. CONSTRUCTION AND SEVERABILITY

1           A. This Compact and the Commission's rulemaking authority shall be  
2 liberally construed so as to effectuate the purposes, and the  
3 implementation and administration of the Compact. Provisions of the  
4 Compact expressly authorizing or requiring the promulgation of Rules  
5 shall not be construed to limit the Commission's rulemaking authority  
6 solely for those purposes.

7           B. The provisions of this Compact shall be severable, and if any  
8 phrase, clause, sentence, or provision of this Compact is held by a court  
9 of competent jurisdiction to be contrary to the constitution of any  
10 Participating State, of a State seeking participation in the Compact, or  
11 of the United States, or the applicability thereof to any government,  
12 agency, person, or circumstance is held to be unconstitutional by a court  
13 of competent jurisdiction, the validity of the remainder of this Compact  
14 and the applicability thereof to any other government, agency, person, or  
15 circumstance shall not be affected thereby.

16           C. Notwithstanding subsection B of this section, the Commission may  
17 deny a State's participation in the Compact or, in accordance with the  
18 requirements of Section 10.B, terminate a Participating State's  
19 participation in the Compact, if it determines that a constitutional  
20 requirement of a Participating State is a material departure from the  
21 Compact. Otherwise, if this Compact shall be held to be contrary to the  
22 constitution of any Participating State, the Compact shall remain in full  
23 force and effect as to the remaining Participating States and in full  
24 force and effect as to the Participating State affected as to all  
25 severable matters.

26           SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

27           A. Nothing herein shall prevent or inhibit the enforcement of any  
28 other law of a Participating State that is not inconsistent with the  
29 Compact.

30           B. Any laws, statutes, regulations, or other legal requirements in a  
31 Participating State in conflict with the Compact are superseded to the

1 extent of the conflict.

2 C. All permissible agreements between the Commission and the  
3 Participating States are binding in accordance with their terms.

4 Sec. 2. Section 38-131, Revised Statutes Supplement, 2023, is  
5 amended to read:

6 38-131 (1) An applicant for an initial license to practice as a  
7 registered nurse, a licensed practical nurse, a physical therapist, a  
8 physical therapy assistant, a psychologist, an advanced emergency medical  
9 technician, an emergency medical technician, an audiologist, a speech-  
10 language pathologist, a licensed independent mental health practitioner,  
11 an occupational therapist, an occupational therapy assistant, or a  
12 paramedic; to practice a profession which, by statute, requires a  
13 criminal background check pursuant to this section; or to practice a  
14 profession which is authorized to prescribe controlled substances shall  
15 be subject to a criminal background check. Except as provided in  
16 subsection (4) of this section, such an applicant for an initial license  
17 shall submit a full set of fingerprints to the Nebraska State Patrol for  
18 a criminal history record information check. The applicant shall  
19 authorize release of the results of the national criminal history record  
20 information check by the Federal Bureau of Investigation to the  
21 department. The applicant shall pay the actual cost of the fingerprinting  
22 and criminal background check.

23 (2) The Nebraska State Patrol is authorized to submit the  
24 fingerprints of such applicants to the Federal Bureau of Investigation  
25 and to issue a report to the department that includes the criminal  
26 history record information concerning the applicant. The Nebraska State  
27 Patrol shall forward submitted fingerprints to the Federal Bureau of  
28 Investigation for a national criminal history record information check.  
29 The Nebraska State Patrol shall issue a report to the department that  
30 includes the criminal history record information concerning the  
31 applicant.



1 (3) This section shall not apply to a dentist who is an applicant  
2 for a dental locum tenens under section 38-1122, to a physician or  
3 osteopathic physician who is an applicant for a physician locum tenens  
4 under section 38-2036, or to a veterinarian who is an applicant for a  
5 veterinarian locum tenens under section 38-3335.

6 (4) An applicant for a temporary educational permit as defined in  
7 section 38-2019 shall have ninety days from the issuance of the permit to  
8 comply with subsection (1) of this section and shall have such permit  
9 suspended after such ninety-day period if the criminal background check  
10 is not complete or revoked if the criminal background check reveals that  
11 the applicant was not qualified for the permit.

12 (5) The department and the Nebraska State Patrol may adopt and  
13 promulgate rules and regulations concerning costs associated with the  
14 fingerprinting and the national criminal history record information  
15 check.

16 (6) For purposes of interpretation by the Federal Bureau of  
17 Investigation, the term department in this section means the Division of  
18 Public Health of the Department of Health and Human Services.

19 Sec. 3. Section 38-1101, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 38-1101 Sections 38-1101 to 38-1152 and sections 4, 5, and 6 of this  
22 act shall be known and may be cited as the Dentistry Practice Act.

23 Sec. 4. An applicant for a license to practice dentistry shall be  
24 subject to a criminal background check as provided in section 38-131.

25 Sec. 5. An applicant for a license to practice dental hygiene shall  
26 be subject to a criminal background check as provided in section 38-131.

27 Sec. 6. A person holding a compact privilege to practice in  
28 Nebraska under the Dentist and Dental Hygienist Compact may engage in the  
29 practice of dentistry or dental hygiene as authorized pursuant to such  
30 compact.

31 Sec. 7. This act becomes operative on January 1, 2025.

1           Sec. 8.    Original section 38-1101, Revised Statutes Cumulative  
2 Supplement, 2022, and section 38-131, Revised Statutes Supplement, 2023,  
3 are repealed.