

1 **SENATE FLOOR VERSION**

2 April 11, 2024

3 ENGROSSED HOUSE
4 BILL NO. 4098

By: Kendrix, Caldwell (Trey),
McDugle, West (Josh), and
McBride of the House

5 and

6 Gollihare of the Senate
7
8

9 An Act relating to dentists and dental hygienists;
10 providing the purpose; defining terms; providing for
commission membership; providing duties for Compact
11 member states; providing the powers and duties of the
Compact Commission; providing the application,
eligibility, and issuance of the Compact license
12 privilege to a practice state; specifying
jurisdiction of Compact license privilege holders;
13 providing for fees and military waiver; providing for
joint investigations and disciplinary actions;
14 providing for request of information from non-member
states; directing rulemaking functions of the Compact
15 commission; providing for oversight of Compact;
providing for enforcement; providing for dispute
16 resolution; providing for withdrawal from the
Compact; providing for dissolution of the Compact;
17 providing for severability; providing for binding
effect of the Compact; providing rules of order;
18 providing for codification; and providing an
effective date.
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21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 329.1 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 The American Association of Dental Boards Compact is hereby
2 enacted into law and the Governor shall enter into a Compact on
3 behalf of the State of Oklahoma with any jurisdiction legally joined
4 therein, in the form substantially as set forth in this act.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 329.2 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

8 AADB DENTAL AND DENTAL HYGIENE COMPACT

9 This Compact shall be known as the American Association of
10 Dental Boards (AADB) Compact and the purpose of the Compact is to
11 expedite licensure and increase access to dental health care through
12 licensure boards acting in cooperation. The Compact adopts the
13 existing structures most utilized by Dental Boards across the United
14 States, while ensuring the safety of the public through the sharing
15 of documents and information. This Compact ensures that each state
16 retains the right to impose an adverse action on a licensee as a
17 home state or as a practicing state. Each state has an opportunity
18 to share investigations and information with the home state of
19 licensure. The Dental Board Compact is operated by state dental
20 board members, administrators and other staff, thus allowing for
21 each state to maintain its sovereignty.

22 The AADB Compact:

23 1. Allows for expedited licensure portability and ease of
24 movement between states;

1 2. Allows each state to continue to regulate the practice of
2 dentistry and dental hygiene within their borders and maintain its
3 sovereignty by allowing actions against a Compact license privilege
4 or a licensee and maintaining its existing licensure structure while
5 allowing for Compact licensure privileges;

6 3. Creates a common goal of protecting the public by ensuring a
7 uniform licensure standard and sharing of information in the
8 Compact;

9 4. Allows for licensure in every participating state by passing
10 a uniform licensure examination, that tests psychomotor and
11 cognitive dental skills exam that is currently accepted in fifty
12 state licensing jurisdictions and United States territories;

13 5. Gives licensees one location to maintain professional
14 documentation to expedite Compact license privileges in states,
15 hospitals, or institutional credentialing;

16 6. Facilitates a faster licensure process for relocation or
17 separation of military members and their dependent spouses; there
18 are no Compact fees for military members or their spouses;

19 7. Alleviates a duplicative process for licensure among
20 multiple states;

21 8. Saves applicants money by not having to obtain duplicate
22 documents from a source that charges for the documents; and
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1 9. Utilizes existing infrastructure of the AADB that has been
2 in existence for over one hundred (100) years, representing dental
3 licensing boards.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 329.3 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 As used in this act:

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

13 2. "AADB Attorneys' Committee" means attorneys that currently
14 represent a state dental board. The AADB Attorneys' Committee
15 participates in the commission as a non-voting member. An attorney
16 that has previously served as an attorney for a state dental board
17 may be invited on a year-to-year basis to serve on the committee if
18 they have not engaged in an official case against a board within the
19 Compact or have any other conflict of interest. The AADB Attorneys'
20 Committee may assist the investigators in working through joint
21 investigation issues between states. The AADB Attorneys' Committee
22 shall prepare a summary of legal issues directly dealing with the
23 Compacts at the annual meeting as well as a legal update for issues
24 affecting Member State Dental Boards;

1 3. "AADB Compact Commission" means the American Association of
2 Dental Boards dental and dental hygiene AADB Compact Commission.
3 Each state shall have two members as required by Section 4 of this
4 Compact, meeting as a whole to form the commission;

5 4. "AADB composite" means an annual publication listing
6 information regarding each state board, contacts, links to statutes
7 and rules and additional data. Each state shall submit an annual
8 update regarding all dental-practice-related licenses and permits
9 available by state and the procedures allowed to be conducted by
10 licensees and permit holders;

11 5. "Active-duty military person or spouse" means an individual
12 in full-time active-duty status in the active uniformed service of
13 the United States including members of the National Guard and
14 Reserve. The legal spouse of the military member must be recognized
15 by the military unit as a dependent while the service member is on
16 active duty. Spouses shall receive the same privileges as military
17 members for the purpose of this Compact;

18 6. "Active investigation" means an active investigation
19 resulting in formal allegations or charges precipitating a judicial
20 process by a Dental Board, oversight agency, or other law
21 enforcement entity;

22 7. "Adverse action" means an Order issued by a state dental
23 board or reported to the AADB Clearinghouse pursuant to the Compact
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1 bylaws and rules. This shall also include a Temporary Emergency
2 Order that may be later withdrawn by a board;

3 8. "ADEX examination" means American Board of Dental Examiners
4 examination;

5 9. "Bylaws" means the bylaws passed by the AADB or its named
6 successor Compact Commission;

7 10. "Clearinghouse" means the AADB Clearinghouse and databank
8 that houses prior adverse actions, orders, and denials of licensure
9 or permits from state dental boards in the fifty states and
10 territories;

11 11. "CODA" means the Commission on Dental Accreditation or its
12 successor as approved by the United States Department of Education;

13 12. "Commissioners" means the two members chosen by each Member
14 State Dental Board to serve as the voting members of the Compact;

15 13. "Compact" means the American Association of Dental Boards
16 (AADB), dental and dental hygiene Compact;

17 14. "Compact license privilege" means the expedited dental or
18 dental hygiene license to practice in a Member State that differs
19 from the licensee's home state;

20 15. "Conviction" means an adjudication and/or formal judgment
21 by a court that an individual is guilty through a plea of guilty or
22 no contest, or a finding of guilt by the court. Evidence of a
23 conviction of a criminal offense by the court shall be considered
24 final for the purposes of disciplinary action by a board member;

1 16. "Criminal background check" means a dentist or dental
2 hygienist seeking Compact license privileges shall complete and
3 provide a criminal background check, including the use of the
4 results of fingerprint or other biometric data checks compliant with
5 the requirements of the Federal Bureau of Investigation, with the
6 exception of federal employees who have suitability determination in
7 accordance with 5 C.F.R., Section 731.202;

8 17. "Dental hygienist" means any person who:

- 9 a. has successfully graduated from a CODA approved dental
10 hygiene school,
- 11 b. has successfully passed the American Board of Dental
12 Examiners (ADEX) licensure exam, or has been in
13 practice five (5) years or more and has successfully
14 passed a regional or equivalent state-administered
15 psychomotor licensure examination prior to January 1,
16 2024,
- 17 c. has successfully passed the written national dental
18 hygiene board examination administered by the Joint
19 Commission on National Dental Examinations,
- 20 d. possesses a full and unrestricted dental hygiene
21 license issued by a Member State of the Compact,
- 22 e. has never been convicted, received adjudication,
23 deferred adjudication, community supervision, or
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1 deferred disposition for any offense by a court of
2 appropriate jurisdiction,

3 f. has never been a subject of discipline by a board
4 through any adverse action, order, or other
5 restriction of the licensee by the board with the
6 exception of failure to pay fees or failure to
7 complete continuing education,

8 g. is not currently under active investigation by a
9 licensing agency or law enforcement authority in any
10 state, federal, or foreign jurisdiction, and

11 h. meet any jurisprudence requirement established by a
12 Member State Dental Board in which a licensee is
13 seeking a Compact privilege expedited license;

14 18. "Dental Practice Act" means the laws and regulations
15 governing the practice of dentistry within a Member State;

16 19. "Dentist" means any person who:

17 a. has successfully graduated from a CODA approved dental
18 school,

19 b. has successfully passed the American Board of Dental
20 Examiners (ADEX) licensure exam, or has been in
21 practice five (5) years or more and has successfully
22 passed a regional or equivalent state-administered
23 psychomotor licensure examination prior to January 1,
24 2024,

- 1 c. has successfully passed the written National Dental
2 Board Exam administered by the Joint Commission on
3 National Dental Examinations,
- 4 d. possesses a full and unrestricted dental license
5 issued by a Member State Dental Board of the Compact,
- 6 e. has never been convicted, received adjudication,
7 deferred adjudication, community supervision, or
8 deferred disposition for any offense by a court of
9 appropriate jurisdiction,
- 10 f. has never been a subject of discipline by a board as
11 determined by the AADB Compact bylaws and rules,
12 through any adverse action, order, or other
13 restriction of the licensee by the board with the
14 exception of failure to pay fees or failure to
15 complete continuing education,
- 16 g. has never had a state or federal drug registration,
17 permit, or license restricted, suspended, or revoked
18 by the United States Drug Enforcement Administration
19 or any State Board that oversees scheduled drug
20 registrations,
- 21 h. is not currently under active investigation by a
22 licensing agency or law enforcement authority in any
23 state, federal, or foreign jurisdiction, and
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1 i. meet any jurisprudence requirement established by a
2 Member State Dental Board in which a licensee is
3 seeking a Compact privilege expedited license;

4 20. "Home state" means the state of primary licensure. It is
5 the location of the practicing dentist or dental hygienist license
6 where Compact privileges originate and the licensee practices at
7 least twenty-five percent (25%) of the time within a calendar year.
8 The home state can take an action on a licensee regardless of where
9 an action against a licensee occurred;

10 21. "License" means authorization for a dentist or dental
11 hygienist to engage in the unrestricted practice of dentistry or
12 dental hygiene, which would be unlawful without;

13 22. "Member State Dental Board" means a state agency in a
14 Member State that acts in the sovereign interests of the state by
15 protecting the public through licensure, regulation, and the
16 education of dentist and dental hygienists as directed by the state
17 law. All actions taken by a member board shall be under the
18 authority of their state jurisdiction and any other rights conferred
19 under this Compact;

20 23. "Member State" means a state or United States territory
21 that has enacted the Compact;

22 24. "Regional board examination" means the Western Regional
23 Dental Board Examination (WREB), the North East Regional Board of
24 Dental Examiners (NERB), the Commission on Dental Competency

1 Assessments (CDCA), Council of AADB Compact Testing Agencies (CITA),
2 Southern Regional Testing Agency (SRTA), Central Regional Dental
3 Testing Services (CRDTS);

4 25. "Repository" means the AADB repository of original
5 documents of a licensee that may include original transcripts,
6 certification documents, test scores, military training records,
7 previous or current licensing documents, and other sources of
8 materials needed for applications and verification. The AADB
9 repository shall receive documents from primary or originating
10 sources and verify their authenticity;

11 26. "Scope of practice" means the dental-related procedures
12 that require a license, permit, or training to undertake the
13 treatment and procedure to be completed on a patient within the
14 practice state's requirements;

15 27. "State" means a state within the United States or a United
16 States Territory; and

17 28. "State jurisprudence" means the knowledge of the state laws
18 and rules of dentistry and dental hygiene in which a Compact license
19 privilege is extended.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 329.4 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 A. The Member States hereby create the AADB Dental and Dental
24 Hygiene Compact. Each state must enact the AADB model Compact that

1 is not materially different as determined by the AADB Compact
2 Commission.

3 B. Each state Member State Dental Board shall have two voting
4 commission members that shall serve as commissioners and have one
5 vote each, cumulatively making the AADB Compact Commission. Member
6 States with separate Dental and Dental Hygiene State Dental Boards
7 shall appoint one commissioner from each Board. One shall be a
8 current state dental board member. Commissioners may not delegate
9 votes or proxies; however, if a commissioner is unable to attend,
10 the Member State may substitute a delegate that meets the same
11 requirements.

12 C. Upon five states joining the Compact, the AADB dental and
13 dental hygiene Compact will become active. The Compact Commission
14 shall have the authority to enact bylaws and rules on behalf of the
15 Compact that shall have the force of law in each participating state
16 to carry out the provisions of the Compact.

17 D. The AADB Compact Commission shall be a separate body within
18 the American Association of Dental Boards and shall have all the
19 responsibilities, powers, and duties set forth in the Compact and
20 such additional powers as may be conferred by a concurrent action of
21 the respective legislatures of the Member States in accordance with
22 the terms of the Compact.

23 E. The Compact Commission shall meet at least once per calendar
24 year and additional times as necessary pursuant to the bylaws and

1 rules. During the annual meeting, the commission members and the
2 AADB Attorneys' Committee shall prepare information regarding issues
3 and resolutions between states to further the cooperation of the
4 state boards. The AADB Attorneys' Committee shall also prepare a
5 legal update for current events related to dental boards.

6 F. The Compact Commission shall elect officers from the
7 membership that shall serve as an Executive Committee. Elections
8 shall occur during the annual meeting. The quorum of Commissioners
9 shall select an Executive Committee consisting of a Chair, Vice
10 Chair, Secretary, Treasurer and a Representative from the North,
11 South, East and West districts as divided pursuant to the AADB
12 Compact Rules.

13 G. Quorum for purposes of conducting business shall be a
14 majority of commission members attending in person or virtually.

15 H. The Commission shall provide notice of all meetings on its
16 website and in other communications to members.

17 I. A vote of two-thirds (2/3) of the membership shall be
18 required for an executive session to discuss:

19 1. Items specifically related to participation in a lawsuit or
20 in anticipation of a legal proceeding;

21 2. Matters specifically exempted from disclosure by federal
22 statute;

23 3. Discussions of investigative records of an active Compact
24 member investigation or investigative records for law enforcement or

1 discussions involving specifically accusing a person of a crime or a
2 public censure;

3 4. Discussions that would include information of a personal
4 nature that would constitute an unwarranted invasion of personal
5 privacy;

6 5. Anything considered internal practices and procedures or a
7 trade secret;

8 6. Other items in the Commission bylaws allowing for executive
9 sessions to be called; or

10 7. Advice of legal counsel.

11 J. The Commission shall keep minutes and make them available to
12 all Member States.

13 K. The Commission may establish other committees as needed.

14 L. The Commission shall prepare an annual report that shall be
15 made available to the legislatures and governors of the Member
16 States concerning the activities of the AADB Compact Commission
17 during the preceding calendar year. Such reports shall also include
18 reports of financial audits and any recommendations that may have
19 been adopted by the Compact Commission.

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 329.5 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

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1 A. Member States agree to submit Member State Dental Board
2 actions and other documents and data as determined by the AADB
3 Compact Commission through bylaws and rules.

4 B. Member States shall notify the AADB Compact Commission
5 pursuant to the rules regarding any adverse action taken by the
6 Board, any active investigation by the state dental board, any
7 active investigation involving pending criminal charges or other
8 circumstance as determined by the Compact Commission Rules and
9 bylaws.

10 C. Any adverse action, order, restriction, or denial of a
11 license or permit on a licensee or permit holder shall be reported
12 to the AADB Clearinghouse by the Member State Dental Board.

13 D. Member State Dental Boards may submit nonpublic complaints,
14 disciplinary or investigatory information not required by subsection
15 C of this section to the AADB Clearinghouse. All investigatory
16 material shall be considered confidential and not part of a public
17 record unless otherwise specifically required by state statute.

18 E. Accept continuing education credits as required by each
19 state, including but not limited to classes authorized by AADB
20 Accredited Continuing Education (ACE) program.

21 F. Documents in the AADB Repository shall be treated by a
22 Member State as the equivalent of a primary or original source
23 document for licensure.

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1 G. Member States agree to accept a standardized application for
2 Compact license privileges. The standardized application shall be
3 established by the rules enacted by the Commission.

4 H. Member States may agree to share information regarding
5 ongoing investigations and actions, including joint investigations
6 between states. All investigatory material shall be considered
7 confidential and not part of a public record unless otherwise
8 specifically required by state statute.

9 I. As part of the Compact enforcement, participating Member
10 States issuing subpoenas and seeking testimony of witnesses shall be
11 enforced in other participating Member States in the Compact and
12 shall be enforced by a court of competent jurisdiction where the
13 witnesses or evidence is located.

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 329.6 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. The AADB Compact Commission shall have the duty and power
18 to:

19 1. Oversee and maintain the administration of the Compact,
20 including organizational needs, the financial activities, the hiring
21 of personnel and ongoing activities or needs of the AADB Compact
22 Commission;

23 2. Promulgate bylaws and rules to operate the Compact;

24 3. Establish a budget and make expenditures;

1 4. Issue, upon the request of a Member State Dental Board,
2 advisory opinions concerning the meaning or interpretation of the
3 Compact and its bylaws, rules, and actions;

4 5. Enforce compliance with Compact provisions, the rules
5 promulgated by the AADB Compact Commission and the bylaws using all
6 necessary and proper means, including but not limited to the use of
7 judicial process;

8 6. Hold an annual meeting for the AADB Compact Commission where
9 the elections of an executive board and other issues may be
10 discussed and voted on;

11 7. Establish personnel policies and programs relating to
12 conflicts of interest, rates of compensation, and qualifications of
13 personnel;

14 8. Accept donations and grants of money, equipment, supplies,
15 materials, and services, and to receive, utilize, and dispose of
16 them in a manner consistent with the conflict-of-interest policies
17 established by the AADB Commission;

18 9. Report annually to the legislatures and governors of the
19 Member State Dental Boards concerning the activities of the AADB
20 Compact Commission during the preceding calendar year. Such reports
21 shall also include reports of financial audits and any
22 recommendations that may have been adopted by the AADB Compact
23 Commission; and
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1 10. Coordinate education, training, and public awareness
2 regarding the Compact, its implementation, and its operation.

3 B. The executive committee shall have the power to act on
4 behalf of the AADB Compact Commission with the exception of
5 rulemaking during periods when the Compact Commission is not in
6 session. When acting on behalf of the Compact Commission, the
7 Executive Committee shall oversee the administration of the Compact
8 including enforcement and compliance of the Compact.

9 C. The officers and employees of the AADB Compact Commission
10 shall be immune from suit and liability, either personally or in
11 their official capacity, for a claim for damage to or loss of
12 property or personal injury or other civil liability caused or
13 arising out of, or relating to, an actual or alleged act, error, or
14 omission that occurred, or that such person had a reasonable basis
15 for believing occurred, within the scope of AADB Compact Commission
16 employment, duties or responsibilities; provided, that such person
17 shall not be protected from suit or liability for damage, loss,
18 injury, or liability caused by the intentional or willful and wanton
19 misconduct of such person.

20 D. The liability of the executive director and employees of the
21 AADB Compact Commission or representatives of the AADB Compact
22 Commission, acting within the scope of such person's employment or
23 duties for acts, errors, or omissions occurring within such person's
24 state may not exceed the limits of liability set forth under the

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

7 E. The AADB Compact Commission shall defend the executive
8 director, its employees, and, subject to the approval of the
9 attorney general or other appropriate legal counsel of the Member
10 State represented by an AADB Compact Commission representative,
11 shall defend such AADB Compact Commission representative in any
12 civil action seeking to impose liability arising out of an actual or
13 alleged act, error, or omission that occurred within the scope of
14 AADB Compact Commission employment, duties, or responsibilities, or
15 that the defendant had a reasonable basis for believing occurred
16 within the scope of AADB Compact Commission employment, duties, or
17 responsibilities, provided that the actual or alleged act, error, or
18 omission did not result from intentional or willful and wanton
19 misconduct on the part of such person.

20 F. To the extent not covered by the state involved, Member
21 State, or the AADB Compact Commission, the representatives or
22 employees of the AADB Compact Commission shall be held harmless in
23 the amount of a settlement or judgment, including attorney fees and
24 costs, obtained against such persons arising out of an actual or

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

8 SECTION 7. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 329.7 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 A. A dentist or dental hygienist applying for Compact license
12 privileges shall meet the requirements of a dentist as listed in
13 paragraph 19 of Section 3 of this Compact or dental hygienist as
14 listed in paragraph 17 of Section 3 of this Compact and hold a
15 current valid license in a Member State under this Compact.

16 B. Each dentist or dental hygienist shall designate a home
17 state of licensure. The home state shall be determined by:

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

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1 2. If no state qualifies under paragraph 1 of this subsection,
2 then the state where the dentist or dental hygienist filed the
3 previous year federal tax return.

4 C. A dentist or dental hygienist may redesignate a home state
5 one time in a calendar year, if the qualifications of a home state
6 are met.

7 D. A dentist or dental hygienist seeking a Compact license
8 privilege shall apply to their home state for a letter stating that
9 they are eligible for Compact license privileges.

10 E. The home state determines the eligibility and issues a
11 letter of approval or denial for the Compact license privilege.

12 F. The letter is submitted to the proposed Compact license
13 state along with the AADB Compact application packet and
14 authorization to seek access to the licensee's repository documents
15 and any additional information as may be required by the proposed
16 Compact license state along with the required fees. Upon approval
17 from the home state, the Compact license state shall issue a state
18 Compact license privilege from the proposed application state to the
19 applicant.

20 G. Appeals on determination of eligibility shall be made to the
21 home state where the applicant was seeking privileges under a state
22 Compact license privilege and shall be subject to the law of that
23 state.

1 H. A person holding a Compact license privilege shall notify
2 the Compact Commission within ten (10) business days of any adverse
3 action taken against a license held in a non-Compact state.

4 I. A Compact license privilege may be revoked, suspended, or
5 limited by the issuing state dental board if at any time the
6 licensee's home state license is revoked, suspended, or limited.

7 J. The AADB Compact Commission is authorized to develop rules
8 regarding the application and renewal process including payment of
9 any application fees, and the issuance of a Compact license
10 privilege.

11 K. Eligibility or ineligibility to receive a state Compact
12 license privilege shall not impact or prohibit an individual from
13 the ability to seek a state license through the regular process
14 outside of the Compact.

15 SECTION 8. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 329.8 of Title 59, unless there
17 is created a duplication in numbering, reads as follows:

18 A. Each dentist or dental hygienist holding a Compact license
19 privilege is required to reference the composite and Member State
20 Dental Boards' statutes and rules to be aware of laws that apply to
21 a specific state in which they are practicing under a Compact
22 license privilege. Compact license scope and practice requirements
23 shall conform to the state jurisdiction in which the Compact license
24 privilege holder is practicing.

1 B. Each dentist or dental hygienist holding a Compact license
2 privilege shall list a current address with the AADB Compact
3 Commission that shall serve as their official address of service.

4 C. A dentist or dental hygienist holding a Compact license
5 privilege may have an adverse action taken against them by the:

6 1. Member State Dental Board in which they are practicing with
7 a Compact license privilege;

8 2. Compact licensee's home state; or

9 3. Member State that is a Compact member where the Compact
10 licensee has requested or received a Compact license privilege to
11 practice.

12 D. Any state in which the Compact licensee holds a Compact
13 license privilege may investigate an allegation of a violation of
14 the statutes and rules of dentistry or dental hygiene in any other
15 state where the Compact licensee holds a Compact license privilege.

16 SECTION 9. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 329.9 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The AADB Compact Commission is authorized to develop rules
20 regarding fees for Compact licensees' use of the repository and
21 other provisions as determined by the AADB Compact Commission.

22 B. A Member State Dental Board issuing a Compact license
23 privilege authorizing practice in their state may impose a fee for a
24 Compact license privilege to be issued or renewed.

1 C. No Compact fee shall be required of each active-duty
2 military member or their spouse up to one (1) year after separation.
3 Each participating state issuing a Compact license privilege may
4 waive fees for active-duty military and their spouse as required by
5 each individual state statute.

6 D. Active-duty military may transfer military training records
7 to the repository without a fee.

8 SECTION 10. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 329.10 of Title 59, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Each state shall name a point of contact for joint
12 investigations between Compact Member State Dental Boards.

13 B. In addition to the authority granted to a Member State
14 Dental Board by the state law of their jurisdiction, Member State
15 Dental Boards may participate with other Member State Dental Boards
16 in joint investigations of licensees that fall subject to this
17 Compact.

18 C. Member State Dental Boards may share investigative,
19 litigation, or other materials in furtherance of any joint or
20 individual investigation arising with a licensee who holds a Compact
21 license privilege within their jurisdiction.

22 D. A subpoena issued by a Member State or Member State Dental
23 Board shall be enforceable in other Member States as allowed by law.

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1 E. If a licensee has a disciplinary action taken by any Member
2 State Dental Board against a licensee under the Compact, they shall
3 automatically be subject to discipline by other Member State Dental
4 Boards.

5 F. If a licensee has an action taken against their home state
6 license including being revoked, surrendered, or relinquished in
7 lieu of discipline or suspended, then automatically all other
8 Compact license privileges shall be placed in the same status. The
9 home state shall notify the Commission and the Commission shall
10 issue a notice to all Member State Dental Boards that the licensee
11 holding a Compact license privilege shall suspend the Compact
12 license privilege.

13 G. If discipline is taken against a licensee in an AADB Compact
14 Member State, the Member State Board shall notify the Commission and
15 the home state of the licensee. The home state may deem the action
16 conclusive as a matter of law and fact decided and:

17 1. Impose the same or lesser sanction consistent with the home
18 state practice act; or

19 2. Pursue separate actions against the licensee under its
20 practice act regardless of the sanctions pursued by the Compact
21 Member State Dental Board.

22 SECTION 11. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 329.11 of Title 59, unless there
24 is created a duplication in numbering, reads as follows:

1 A. Insurance companies and entities verifying documents for the
2 purpose of licenses extended to a provider may seek information from
3 the AADB Clearinghouse for public record documents.

4 B. A dentist or dental hygienist, as defined by the bylaws and
5 rules, may submit a request to the AADB Compact Commission to allow
6 any hiring employer, entity, or insurance company to access
7 documents from the repository for the purposes of credentialing,
8 licensing, or other privileges.

9 C. The Commission shall set a fee schedule for these services
10 in the bylaws and rules.

11 SECTION 12. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 329.12 of Title 59, unless there
13 is created a duplication in numbering, reads as follows:

14 A. The AADB Compact Commission shall promulgate reasonable
15 rules in order to effectively and efficiently achieve the purposes
16 of the Compact. Notwithstanding the foregoing, in the event the
17 Commission exercises its rulemaking authority in a manner that is
18 beyond the scope of the purposes of the Compact, or the powers
19 granted hereunder, then such an action by the AADB Compact
20 Commission may be determined to be invalid and have no force or
21 effect.

22 B. Rules deemed appropriate for the operations of the AADB
23 Compact Commission shall be made pursuant to a rulemaking process
24

1 that substantially conforms to the Model State Administrative
2 Procedure Act of 2010, and subsequent amendments thereto.

3 SECTION 13. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 329.13 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The executive, legislative, and judicial branches of state
7 government in each Member State Dental Board shall enforce the
8 Compact and shall take all actions necessary and appropriate to
9 effectuate the Compact's purposes and intent to allow for expedited
10 licensure for the purpose of mobility. The provisions of the
11 Compact and the rules promulgated hereunder shall have standing as
12 statutory law, but shall not override existing state authority to
13 regulate the practice of dentistry and dental hygiene.

14 B. All courts may take judicial notice of the Compact and the
15 rules in any judicial or administrative proceeding in a Member State
16 pertaining to the subject matter of the Compact which may affect the
17 powers, responsibilities, or actions of the AADB Compact Commission.

18 C. The AADB Compact Commission shall be entitled to receive all
19 service of process in any such proceeding and shall have standing to
20 intervene in the proceeding for all purposes. Failure to provide
21 service of process to the AADB Compact Commission shall render a
22 judgment or order void as to the AADB Compact Commission, the
23 Compact, or promulgated rules.

24

1 SECTION 14. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 329.14 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The AADB Compact Commission, in the reasonable exercise of
5 its discretion, shall enforce the provisions and rules of the
6 Compact.

7 B. The grounds for default include, but are not limited to,
8 failure of a Member State to perform such obligations or
9 responsibilities imposed upon it by the Compact, or the rules and
10 bylaws of the AADB Compact Commission promulgated under the Compact.

11 C. If the AADB Compact Commission determines that a Member
12 State has defaulted in the performance of its obligations or
13 responsibilities under the Compact, or the bylaws or promulgated
14 rules, the AADB Compact Commission shall:

15 1. Provide written notice to the defaulting state and other
16 Member States of the nature of the default, the means of curing the
17 default, and any action taken by the AADB Compact Commission. The
18 AADB Compact Commission shall specify the conditions by which the
19 defaulting state must cure its default; and

20 2. Provide remedial training and specific technical assistance
21 regarding the default.

22 D. If the defaulting state fails to cure the default, the
23 defaulting state shall be terminated from the Compact upon an
24 affirmative vote of a majority of the Commissioners and all rights,

1 privileges, and benefits conferred by the Compact shall terminate on
2 the effective date of termination. A cure of the default does not
3 relieve the offending state of obligations or liabilities incurred
4 during the period of the default.

5 E. Termination of membership in the Compact shall be imposed
6 only after all other means of securing compliance have been
7 exhausted. Notice of intent to terminate shall be given by the AADB
8 Compact Commission to the Governor, the majority and minority
9 leaders of the defaulting state's Legislature and each of the Member
10 States.

11 F. The AADB Compact Commission shall establish rules and
12 procedures to address licenses and Compact license privilege holders
13 that are materially impacted by the termination of a Member State or
14 the withdrawal of a Member State.

15 G. The AADB Compact Commission shall not bear any costs
16 relating to any state that has been found to be in default or which
17 has been terminated from the Compact, unless otherwise mutually
18 agreed upon in writing between the AADB Compact Commission and the
19 defaulting state.

20 H. The defaulting state may appeal the action of the AADB
21 Compact Commission by petitioning the federal district where the
22 AADB Compact Commission has its principal offices. The prevailing
23 party shall be awarded all costs of such litigation, including
24 reasonable attorney fees.

1 I. The AADB Compact Commission shall not bear any costs
2 relating to any state that has been found to be in default or which
3 has been terminated from the Compact, unless otherwise mutually
4 agreed upon in writing between the AADB Compact Commission and the
5 defaulting state.

6 J. The remedies herein shall not be the exclusive remedies of
7 the AADB Compact Commission. The AADB Compact Commission may avail
8 itself of any other remedies available under state law or the
9 regulation of a profession.

10 SECTION 15. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 329.15 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The AADB Compact Commission shall attempt, upon the request
14 of a Member State Dental Board, to resolve disputes which are
15 subject to the Compact and which may arise among Member State Dental
16 Boards.

17 B. The AADB Compact Commission shall promulgate rules providing
18 for both mediation and binding dispute resolution, as appropriate.

19 SECTION 16. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 329.16 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Any state is eligible to become a Member State of the
23 Compact.

24

1 B. The Compact shall become effective and binding upon
2 legislative enactment of the Compact into law by no less than five
3 states. Thereafter, it shall become effective and binding on a
4 state upon enactment of the Compact into law by that state.

5 C. The governors of non-member states, or their designees,
6 shall be invited to participate in the activities of the AADB
7 Compact Commission on a nonvoting basis prior to adoption of the
8 Compact by all states.

9 D. The AADB Compact Commission may propose amendments to the
10 Compact for enactment by the Member States. No amendment shall
11 become effective and binding upon the AADB Compact Commission and
12 the Member States unless and until it is enacted into law by
13 unanimous consent of the Member States.

14 SECTION 17. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 329.17 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Once effective, the Compact shall continue in force and
18 remain binding upon each and every Member State; provided, that a
19 Member State may withdraw from the Compact after giving appropriate
20 notice by specifically repealing the statute which enacted the
21 Compact into law.

22 B. Withdrawal from the Compact shall be by the enactment of a
23 statute repealing the same. The individual's Compact license
24

1 privilege shall remain in effect for six (6) months from the date of
2 the Member State Dental Board's withdrawal.

3 C. The withdrawing state shall immediately notify the
4 chairperson of the AADB Compact Commission in writing upon the
5 introduction of legislation repealing the Compact in the withdrawing
6 state.

7 D. The AADB Compact Commission shall notify the other Member
8 States of the withdrawing state's intent to withdraw within sixty
9 (60) days of its receipt of notice provided under subsection C of
10 this section.

11 E. Reinstatement following withdrawal of a Member State shall
12 occur upon the withdrawing state reenacting the Compact or upon such
13 later date as determined by the AADB Compact Commission.

14 F. The AADB Compact Commission is authorized to develop rules
15 to address the impact of the withdrawal of a Member State on
16 licenses granted in other Member States to dentists and dental
17 hygienists who designated the withdrawing Member State as the state
18 of principal license.

19 SECTION 18. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 329.18 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The Compact shall dissolve effective upon the date of the
23 withdrawal or default of the Member State which reduces the
24 membership in the Compact to one Member State.

1 B. Upon the dissolution of the Compact, the Compact becomes
2 null and void and shall be of no further force or effect, and the
3 business and affairs of the AADB Compact Commission shall be
4 concluded and surplus funds shall be distributed in accordance with
5 the bylaws.

6 SECTION 19. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 329.19 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The provisions of the Compact shall be severable, and if any
10 phrase, clause, sentence, or provision is deemed unenforceable, the
11 remaining provisions of the Compact shall be enforceable.

12 B. The provisions of the Compact shall be liberally construed
13 to effectuate its purposes.

14 SECTION 20. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 329.20 of Title 59, unless there
16 is created a duplication in numbering, reads as follows:

17 A. Nothing herein prevents the enforcement of any other law of
18 a Member State that is not inconsistent with the Compact.

19 B. All lawful actions of the AADB Compact Commission, including
20 all rules and bylaws promulgated by the Commission, are binding upon
21 the Member States.

22 C. All agreements between the AADB Compact Commission and the
23 Member States are binding in accordance with their terms.

24

1 D. In the event any provision of the Compact exceeds the
2 constitutional limits imposed on the Legislature of any Member
3 State, such provision shall be ineffective to the extent of the
4 conflict with the constitutional provision in question in that
5 Member State.

6 SECTION 21. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 329.21 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 The most current edition of the American Institute of
10 Parliamentarians Standard Code of Parliamentary Procedure governs
11 all meetings of the AADB Compact Commission, including its
12 committees, in those situations not otherwise covered in the bylaws.

13 SECTION 22. This act shall become effective November 1, 2024.

14 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
15 April 11, 2024 - DO PASS

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