

2025 Regular Session

HOUSE BILL NO. 543

BY REPRESENTATIVE MCMAHEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DENTISTRY/HYGIENISTS: Provides relative to the Interstate Dental and Dental Hygiene
Licensure Compact

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(24) and to enact R.S. 37:799, relative to the Interstate
3 Dental and Dental Hygiene Licensure Compact; to enact the Interstate Dental and
4 Dental Hygiene Licensure Compact into law and to cause this state to enter into the
5 compact; to provide for definitions; to create the Interstate Dental and Dental
6 Hygiene Licensure Compact and Commission; to provide for the duties of the
7 compact member states; to provide for the powers and duties of the commission; to
8 provide for compact license privilege to member states; to provide for fees and
9 military waivers; to provide for joint investigations and disciplinary actions; to
10 provide for rulemaking functions of the commission; to provide for enforcement,
11 default procedures, and dispute resolution; to provide for withdrawal from and
12 dissolution of the compact; to provide for severability; to provide for exceptions to
13 public records; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 37:799 is hereby enacted to read as follows:

16 §799. Interstate Dental and Dental Hygiene Licensure Compact; adoption

17 The Interstate Dental and Dental Hygiene Licensure Compact is hereby
18 enacted into law and the governor shall enter into a compact on behalf of the state
19 with any jurisdiction legally joined therein, in the form substantially as follows:

1 SECTION 1. PURPOSE

2 This compact shall be known as the Interstate Dental and Dental Hygiene
3 Licensure Compact and the purpose of the compact is to expedite licensure and
4 increase access to dental healthcare through licensure boards acting in cooperation.

5 The compact adopts the existing structures most utilized by dental boards across the
6 United States, while ensuring the safety of the public through the sharing of
7 documents and information. This compact ensures that each state retains the right
8 to impose an adverse action on a licensee as a home state or as a practicing state.
9 Each state has an opportunity to share investigations and information with the home
10 state of licensure. The compact is operated by state dental board members,
11 administrators, and other staff, thus allowing for each state to maintain its
12 sovereignty.

13 The compact does all of the following:

14 (1) Allows for expedited licensure portability and ease of movement of
15 licensees between states.

16 (2) Allows each state to continue to regulate the practice of dentistry and
17 dental hygiene within its borders.

18 (3) Creates a common goal of protecting the public by ensuring a uniform
19 licensure standard and sharing of information in the compact.

20 (4) Allows for licensure in every participating state by requiring passage of
21 the uniform licensure examination that assesses psychomotor and cognitive dental
22 skills and is currently accepted in fifty state licensing jurisdictions and United States
23 territories.

24 (5) Gives licensees one location to maintain professional documentation to
25 expedite license transfers in states, hospitals, or institutional credentialing.

26 (6) Facilitates a faster licensure process for relocation or separation of
27 military members and their dependent spouses; there are no compact fees for military
28 members or their spouses.

29 (7) Alleviates a duplicative process for licensure among multiple states.

1 (8) Saves applicants money by not having to obtain duplicate documents
2 from a source that charges for the documents.

3 SECTION 2. DEFINITIONS

4 (1) "AADB" means the American Association of Dental Boards or its named
5 successor, formerly known as the American Association of Dental Examiners,
6 originally chartered on September 10th, 1896, and renewed in 1944, comprised of
7 state dental boards in the United States and its territories.

8 (2) "Attorneys' Committee" means the committee of attorneys who currently
9 represent a member state dental board. The Attorneys' Committee shall designate
10 one of its members to participate in the commission as a non-voting member. An
11 attorney who has previously served as an attorney for a member state dental board
12 may be invited on a year-to-year basis to serve on the Attorneys' Committee if he has
13 not engaged in an official case against a state dental board or has any other conflict
14 of interest. The Attorneys' Committee may assist the investigators in working
15 through joint investigation issues between states.

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

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

25 (5) "Adverse action" means an order issued by a state dental board or
26 reported to the clearinghouse pursuant to the commission's bylaws and rules that
27 disciplines a licensee. Adverse Action includes and is not limited to the suspension,
28 limiting, or revocation of a license or compact license privilege; the imposition of

1 fees and sanctions; and any temporary emergency order that may be later withdrawn
2 by a board.

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

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

7 (8) "Clearinghouse" means the clearinghouse and databank that houses prior
8 Adverse Action documentation, orders, and denials of licensure or permits from state
9 dental boards that is administered by the AADB or its successor.

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

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

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

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

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

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

25 (15) "Criminal background check" means a criminal background check using
26 the results of fingerprint or other biometric data checks compliant with the
27 requirements of the Federal Bureau of Investigation, with the exception of federal
28 employees who have a suitability determination in accordance with 5 CFR 731.202.

29 (16) "Dental hygienist" means any person who meets the following criteria:

1 (a) Has successfully graduated from a CODA-approved dental hygiene
2 school.

3 (b) Has successfully passed the ADEX dental hygiene licensure examination;
4 or has been in practice five years or more and has successfully passed a regional
5 board examination or equivalent state-administered psychomotor licensure
6 examination prior to January 1, 2024.

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

10 (d) Possesses a full and unrestricted dental hygiene license issued by a
11 member state.

12 (e) Has never been convicted or received adjudication, deferred adjudication,
13 community supervision, or deferred disposition for any offense, other than traffic
14 offenses, by a court of appropriate jurisdiction.

15 (f) Has never been a subject of discipline by a licensing agency through any
16 adverse action, order, or other restriction of the licensee by a licensing agency, with
17 the exception of failure to pay fees or failure to complete continuing education.

18 (g) Is not currently under active investigation by a licensing agency or law
19 enforcement authority in any state, federal, or foreign jurisdiction.

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

23 (17) "Dental Practice Act" means the laws and regulations governing the
24 practice of dentistry within a member state.

25 (18) "Dentist" means any person who meets all of the following criteria:

26 (a) Has successfully graduated from a CODA-approved dental school.

27 (b) Has successfully passed the ADEX dental licensure exam; or has been
28 in practice five years or more and has successfully passed a regional board

1 examination or equivalent state-administered psychomotor licensure examination
2 prior to January 1, 2024.

3 (c) Has successfully passed the written National Dental Board Exam
4 administered by the Joint Commission on National Dental Examinations.

5 (d) Possesses a full and unrestricted dental license issued by a member state
6 dental board.

7 (e) Has never been convicted or received adjudication, deferred adjudication,
8 community supervision, or deferred disposition for any offense, other than traffic
9 offenses, by a court of appropriate jurisdiction.

10 (f) Has never been a subject of discipline by a licensing agency through any
11 adverse action, order, or other restriction of the licensee by a licensing agency, with
12 the exception of failure to pay fees or failure to complete continuing education.

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

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

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

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

21 (20) "License" means the authorization by a licensing authority for a dentist
22 or dental hygienist to engage in the unrestricted practice of dentistry or dental
23 hygiene, which would be unlawful without such license.

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

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

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

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

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

14 (26) "Repository" means the repository of original documents of a licensee
15 that may include original transcripts, certification documents, test scores, military
16 training records, previous or current licensing documents, and other sources of
17 materials needed for applications and verification administered by the AADB or its
18 successor. The repository shall receive documents from primary or originating
19 sources or verify their authenticity.

20 (27) "Scope of practice" means the dental-related procedures that require a
21 license, permit, or training to undertake the treatment and procedure to be completed
22 on a patient within the member state's requirements.

23 (28) "State" means a state within the United States of America or a United
24 States territory.

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

27 SECTION 3. COMPACT AND COMMISSION

28 A. The member states hereby create the Interstate Dental and Dental
29 Hygiene Licensure Compact and the commission. Each member state shall enact a

1 compact that is not materially different from this compact, as determined by the
2 commission.

3 B. Each member state dental board shall have two voting members who shall
4 serve as commissioners. Each commissioner shall have one vote. Member states
5 with separate dental and dental hygiene licensing agencies shall appoint one
6 commissioner from each licensing agency. One commissioner shall be a current
7 member of a member state dental board. Commissioners may not delegate votes or
8 vote by proxy, however, if a commissioner is unable to attend, the member state may
9 substitute a commissioner who meets the same requirements.

10 C. Upon five states joining the compact, the compact shall become active.
11 The commission shall adopt bylaws upon becoming active.

12 D. The commission shall meet at least once per calendar year, in an annual
13 meeting, and at additional times as necessary pursuant to the bylaws and rules.

14 E. At each annual meeting, the commission shall elect a chair, vice chair,
15 secretary, and treasurer from the membership of the commission. The officers shall
16 be members of the commission's executive committee. The commission shall also
17 elect representatives from four regional districts established by the commission to
18 serve on the executive committee. All officers and executive committee
19 representatives shall serve one-year terms.

20 F. Quorum for purposes of conducting business shall be a majority of
21 commissioners attending in person or virtually.

22 G. The commission shall provide notice of all meetings on its website and
23 in other communications to member state dental boards.

24 H. A vote of two-thirds of the commissioners present shall be required for
25 an executive session to discuss any of the following:

26 (1) Items specifically related to participation in a lawsuit or in anticipation
27 of a legal proceeding.

28 (2) Matters specifically exempted from disclosure by federal statute.

1 (3) Information or matters involving law enforcement agencies or
2 information that accuses a person of a crime or a public censure.

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

5 (5) Anything considered internal practices and procedures or a trade secret.

6 (6) Other items described in the commission bylaws allowing for executive
7 sessions to be called.

8 (7) Advice of legal counsel.

9 I. The commission shall keep minutes and make them available to all
10 member states.

11 J. The commission may establish other committees as needed.

12 K. The commission shall prepare an annual report that shall be made
13 available to the legislatures and governors of the member states. The annual report
14 shall describe the activities of the commission during the preceding calendar year.
15 Such reports shall also include reports of the annual financial audit and any actions
16 taken by or rules that were adopted by the commission.

17 SECTION 4. DUTIES OF COMPACT MEMBER STATES

18 A. Member states shall submit to the clearinghouse all member state dental
19 board actions and other documents and data as determined by the commission.

20 B. Member states shall notify the commission of any adverse action taken
21 by the member state dental board, any active investigation by the member state
22 dental board, any active investigation involving pending criminal charges, or other
23 circumstance as determined by the commission.

24 C. Any adverse action, order, restriction, or denial of a license or permit on
25 a licensee or compact license privilege holder shall be reported to the clearinghouse
26 by the member state dental board.

27 D. Member state dental boards may submit to the clearinghouse nonpublic
28 complaints or disciplinary or investigatory information not required by Section 4(C)

1 of this compact. All investigatory material shall be considered confidential and not
2 part of a public record unless otherwise specifically required by state statute.

3 E. Member states shall accept continuing education credits as required or
4 recognized by any other member state.

5 F. Documents in the repository shall be treated by a member state as the
6 equivalent of a primary or original source document for licensure.

7 G. Member states shall accept a standardized application for a compact
8 license privilege. The standardized application shall be established by the rules
9 enacted by the commission.

10 H. Member states may agree to share information regarding ongoing
11 investigations and actions, including joint investigations between states. All
12 investigatory material shall be considered confidential and not part of a public record
13 unless otherwise specifically required by state statute.

14 I. As part of the compact enforcement, participating member states may issue
15 subpoenas and seek testimony of witnesses, which subpoenas shall be enforced in
16 other member states and enforced by a court of competent jurisdiction where the
17 witnesses or evidence is located.

18 SECTION 5. POWERS AND DUTIES OF THE COMMISSION

19 A. The commission shall have the duty and power to do all of the following:

20 (1) Oversee and maintain the administration of the compact including the
21 organizational needs, the financial activities, the hiring of personnel, and ongoing
22 activities or needs of the commission.

23 (2) Promulgate bylaws and rules to operate the compact and the commission.

24 (3) Establish a budget and make expenditures.

25 (4) Have an annual financial audit performed by an independent certified
26 public accounting firm.

27 (5) Issue, upon the request of a member state dental board, advisory opinions
28 concerning the meaning or interpretation of the compact and its bylaws, rules, and
29 actions.

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

4 (7) Hold an annual meeting for the commission where the elections of the
5 executive committee and other issues may be discussed and voted on.

6 (8) Establish personnel policies and programs relating to conflicts of interest,
7 the rates of compensation, and qualifications of personnel.

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

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

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

18 B. The executive committee shall have the power to act on behalf of the
19 commission, with the exception of rulemaking, during periods when the commission
20 is not in session. When acting on behalf of the commission, the executive committee
21 shall oversee the administration of the compact, including enforcement of and
22 compliance with the compact.

23 C. The officers and employees of the commission shall be immune from suit
24 and liability, either personally or in their official capacity, for a claim for damage to
25 or loss of property or personal injury or other civil liability caused or arising out of,
26 or relating to, an actual or alleged act, error or omission that occurred, or that such
27 person had a reasonable basis for believing occurred, within the scope of commission
28 employment, duties, or responsibilities; provided that such person shall not be

1 protected from suit or liability for damage, loss, injury, or liability caused by the
2 intentional or willful and wanton misconduct of such person.

3 D. The liability of the executive director and employees of the commission
4 or representatives of the commission, acting within the scope of such person's
5 employment or duties, for acts, errors, or omissions occurring within such person's
6 state may not exceed the limits of liability set forth under the constitution and laws
7 of that state for state officials, employees, and agents. The commission shall be
8 considered to be an instrumentality of the states for the purposes of any such action.
9 Nothing in this Subsection shall be construed to protect such person from suit or
10 liability for damage, loss, injury, or liability caused by the intentional or willful and
11 wanton misconduct of such person.

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

22 F. To the extent not covered by the state involved, member state, or the
23 commission, the representatives or employees of the commission shall be held
24 harmless by the commission in the amount of a settlement or judgment, including
25 attorney fees and costs, obtained against such persons arising out of an actual or
26 alleged act, error, or omission that occurred within the scope of commission
27 employment, duties, or responsibilities, or that such persons had a reasonable basis
28 for believing occurred within the scope of commission employment, duties, or

1 responsibilities, provided that the actual or alleged act, error, or omission did not
2 result from intentional or willful and wanton misconduct on the part of such persons.

3 SECTION 6. APPLICATION, ELIGIBILITY, AND ISSUANCE OF COMPACT

4 LICENSE PRIVILEGE TO A MEMBER STATE

5 A. A dentist or dental hygienist applying for compact license privileges shall
6 meet the requirements of a dentist as listed in Section (2)(18) of this compact or a
7 dental hygienist as listed in Section (2)(16) of this compact and hold a current license
8 in a member state in accordance with this compact.

9 B. Each dentist or dental hygienist shall designate a home state of licensure.
10 The home state shall be determined by either of the following:

11 (1) The state of primary residence for the dentist or dental hygienist, where
12 twenty-five percent of his practice within one year occurs. An active-duty military
13 member or his spouse may choose a home state as designated with the military but
14 is not required to meet the requirement of twenty-five percent practice being within
15 his home state.

16 (2) If no state qualifies pursuant to Paragraph (1) of this Subsection, then the
17 state that the dentist or dental hygienist listed as his state of residence on the previous
18 year's federal tax return.

19 C. A dentist or dental hygienist may redesignate a home state no more than
20 one time in a calendar year if the qualifications of a home state are met.

21 D. A dentist or dental hygienist seeking a compact license privilege shall
22 apply to his home state dental board for a letter stating that the applicant is eligible
23 for compact license privileges.

24 E. The home state dental board shall determine the eligibility of an
25 application for a compact license privilege and shall issue a letter of approval or
26 denial of the application for a compact license privilege.

27 F.(1) The letter from the applicant's home state dental board approving the
28 application shall be submitted to the member state dental board for the member state
29 in which the applicant proposes to practice and shall include all of the following:

1 (a) The compact application packet.

2 (b) Authorization to seek access to the applicant's repository documents.

3 (c) Any additional information that may be required by the proposed
4 compact license privilege state.

5 (d) Any required fees.

6 (2) The member state dental board shall review the application to confirm
7 compliance with the member state's laws and regulations. Following such review,
8 if the member state dental board approves the application, it shall issue a compact
9 license privilege from the proposed member state to the applicant.

10 G. Appeals of a denial of a compact license privilege application shall be
11 filed with the member state dental board making such determination and shall be
12 filed within thirty days of the date of the denial.

13 H. A licensee holding a compact license privilege shall notify the
14 commission within ten business days of any adverse action taken against a license
15 held in a state that is not a member state.

16 I. A compact license privilege may be revoked, suspended, or limited by the
17 issuing member state dental board if at any time the licensee's home state license is
18 revoked, suspended, or limited.

19 J. The commission shall issue rules on the duration of a compact license
20 privilege, the application and renewal process for a compact license privilege, and
21 any application fees.

22 K. Eligibility or ineligibility to receive a compact license privilege shall not
23 limit the ability of a licensee to seek a state license through the regular process
24 outside of the compact.

25 SECTION 7. JURISDICTION OVER COMPACT LICENSE PRIVILEGE HOLDERS

26 A. Each licensee holding a compact license privilege shall be subject to and
27 comply with the laws and regulations of the member state in which the licensee
28 practices under a compact license privilege.

1 B. Each licensee holding a compact license privilege shall be subject to the
2 jurisdiction and authority of the member state dental board of the state in which the
3 licensee practices as if he held a license issued from such member state dental board.
4 Such compact license privilege holder shall be deemed a "licensee" of the member
5 state dental board for purposes of such board taking an adverse action.

6 C. Each licensee holding a compact license privilege shall list a current
7 address with the commission that shall serve as his official address of service.

8 D. A licensee holding a compact license privilege may have an adverse
9 action taken against him by any of the following:

10 (1) The member state dental board of the member state in which he is
11 practicing with a compact license privilege.

12 (2) The licensee's home state.

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

15 E. A home state may take an adverse action against the holder of a compact
16 license privilege, regardless of where the actions giving rise to the adverse action
17 occurred.

18 F. Any member state in which the compact licensee holds a compact license
19 privilege may investigate an allegation of a violation of the laws and rules of the
20 practice of dentistry or dental hygiene in any other state where the compact licensee
21 holds a compact license privilege.

22 SECTION 8. FEES AND MILITARY WAIVER

23 A. The commission shall issue rules regarding the use of the repository by
24 each holder of a compact license privilege.

25 B. A member state dental board issuing a compact license privilege
26 authorizing practice in its state may impose a fee for a compact license privilege for
27 either initial issuance or any renewal.

28 C. No compact fee shall be required of any active-duty military member or
29 his spouse up to one year after separation from the service. Each member state

1 issuing a compact license privilege may waive fees for active-duty military or his
2 spouse as required by each individual state statute.

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

5 SECTION 9. JOINT INVESTIGATIONS AND DISCIPLINARY ACTIONS

6 A. Each member state shall name a point of contact for joint investigations
7 between member state dental boards.

8 B. Member state dental boards may participate with other member state
9 dental boards in joint investigations of licensees that are subject to this compact.

10 C. Member state dental boards may share investigative, litigation, or other
11 materials in furtherance of any joint or individual investigation of a compact license
12 privilege holder.

13 D. A subpoena issued by a member state or member state dental board shall
14 be enforceable in other member states as allowed by law.

15 E. If a compact license privilege holder has an adverse action taken against
16 him by any member state dental board, the compact license privilege holder, licensee
17 shall automatically be subject to similar discipline by other member state dental
18 boards.

19 F. If a compact license privilege holder has an adverse action taken against
20 his home state license, including being revoked, surrendered, relinquished in lieu of
21 discipline, or suspended, then automatically all other compact license privileges shall
22 be placed in the same status. The home state dental board shall notify the
23 commission and the commission shall issue a notice to all member state dental
24 boards of such adverse action.

25 G. If discipline or an adverse action is taken against a compact license
26 privilege holder in a member state, the member state board shall notify the
27 commission and the home state of the compact license privilege holder. The home
28 state may deem the action conclusive as a matter of law and fact and may do either
29 of the following:

1 (1) Impose the same or lesser sanction consistent with the home state's laws.

2 (2) Pursue separate actions against the compact license privilege holder

3 under its laws, regardless of the sanctions pursued by the member state dental board.

4 SECTION 10. OTHER REQUESTS FOR INFORMATION FROM THE REPOSITORY

5 AND THE CLEARINGHOUSE

6 A. Insurance companies and entities verifying documents for the purpose of

7 licenses extended to a dentist or dental hygienist may seek information from the

8 clearinghouse for public record documents.

9 B. A dentist or dental hygienist may submit a request to the commission to

10 allow any hiring employer, entity, or insurance company to access documents from

11 the repository for the purposes of credentialing, licensing, or other privileges.

12 C. The commission shall set a fee schedule for these services.

13 SECTION 11. RULEMAKING FUNCTIONS OF THE COMMISSION

14 A. The commission shall promulgate reasonable rules in order to effectively

15 and efficiently implement and achieve the purposes and administration of the

16 compact. Notwithstanding the foregoing, in the event the commission exercises its

17 rulemaking authority in a manner that is beyond the scope of the purposes of the

18 compact or the powers granted to it, then such an action by the commission may be

19 determined to be invalid and have no force or effect.

20 B. Rules validly issued by the commission shall have the force of law in each

21 member state.

22 C. Rules deemed appropriate for the operations of the commission shall be

23 made pursuant to a rulemaking process that substantially conforms to the Model

24 State Administrative Procedure Act of 2010, and subsequent amendments thereto.

25 SECTION 12. OVERSIGHT OF THE COMPACT

26 A. The executive, legislative, and judicial branches of state government in

27 each member state shall enforce the compact and shall take all actions necessary and

28 appropriate to effectuate the compact's purposes and intent to allow for expedited

29 licensure for the purpose of mobility. The provisions of the compact and the rules

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

3 B. All courts may take judicial notice of the compact and the rules in any
4 judicial or administrative proceeding in a member state pertaining to the subject
5 matter of the compact which may affect the powers, responsibilities, or actions of the
6 commission.

7 C. The commission shall be entitled to receive all service of process in any
8 such proceeding and shall have standing to intervene in the proceeding for all
9 purposes. Except where the commission has intervened, failure to provide service
10 of process to the commission shall render a judgment or order void as to the
11 commission, the compact, or promulgated rules.

12 SECTION 13. ENFORCEMENT AND DEFAULT PROCEDURES

13 A. The commission, in the reasonable exercise of its discretion, shall enforce
14 the provisions and rules of the compact.

15 B. The grounds for default under this compact by a member state include but
16 are not limited to failure of a member state to perform such obligations or
17 responsibilities imposed upon it by the compact or by the rules and bylaws of the
18 commission promulgated in accordance with the compact.

19 C. If the commission determines that a member state has defaulted in the
20 performance of its obligations or responsibilities pursuant to the compact, bylaws,
21 or promulgated rules, the commission shall do both of the following:

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

26 (2) Provide remedial training and specific technical assistance regarding the
27 default.

28 D. If the defaulting state fails to cure the default, the defaulting state shall
29 be terminated from the compact upon an affirmative vote of a majority of the

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

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

9 F. The commission shall establish rules and procedures to address licenses
10 and compact license privilege holders that are materially impacted by the termination
11 of a member state or the withdrawal of a member state.

12 G. The commission shall not bear any costs relating to any state that has
13 been found to be in default or which has been terminated from the compact, unless
14 otherwise mutually agreed upon in writing between the commission and the
15 defaulting state.

16 H. The defaulting state may appeal the action of the commission by
17 petitioning the state court where the commission has its principal offices. The
18 prevailing party shall be awarded all costs of such litigation, including reasonable
19 attorneys' fees.

20 I. The remedies herein shall not be the exclusive remedies of the
21 commission. The commission may avail itself of any other remedies available in
22 accordance with state law or the regulation of a profession.

23 SECTION 14. DISPUTE RESOLUTION

24 A. The commission shall attempt, upon the request of a member state dental
25 board, to resolve disputes which are subject to the compact and which may arise
26 among member state dental boards.

27 B. The commission shall promulgate rules providing for both mediation and
28 voluntary binding dispute resolution, as appropriate.

29 SECTION 15. MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

30 A. Any state is eligible to become a member state of the compact.

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

5 C. The governors of nonmember states, or their designees, shall be invited
6 to participate in the activities of the commission on a nonvoting basis prior to
7 adoption of the compact by all states.

8 D. The commission may propose amendments to the compact for enactment
9 by the member states. No amendment shall become effective and binding upon the
10 commission and the member states unless and until it is enacted into law by
11 unanimous consent of the member states.

12 SECTION 16. WITHDRAWAL

13 A. Once effective, the compact shall continue in force and remain binding
14 upon each and every member state; however, a member state may withdraw from the
15 compact after giving appropriate notice by specifically repealing the statute which
16 enacted the compact into law.

17 B. The licensee's compact license privilege shall remain in effect for six
18 months from the date of the member state dental board withdrawal.

19 C. The withdrawing state shall immediately notify the chairperson of the
20 commission in writing upon the introduction of legislation repealing the compact by
21 the withdrawing state, and upon the enactment of such legislation.

22 D. The commission shall notify the other member states within sixty days
23 of its receipt of notice provided pursuant to Subsection C of this Section of this
24 compact.

25 E. Reinstatement following withdrawal of a member state shall occur upon
26 the withdrawing state reenacting the compact or upon such later date as determined
27 by the commission.

28 F. The commission shall issue rules to address the impact of the withdrawal
29 of a member state on licenses granted by other member states to dentists and dental
30 hygienists who designated the withdrawing member state as their home state.

1 SECTION 17. DISSOLUTION

2 A. The compact shall dissolve effective upon the date of the withdrawal or
3 default of the member state which reduces the membership in the compact to one
4 member state.

5 B. Upon the dissolution of the compact, the compact shall become null and
6 void and shall be of no further force or effect, and the business and affairs of the
7 commission shall be concluded and surplus funds shall be distributed in accordance
8 with the bylaws.

9 SECTION 18. SEVERABILITY AND CONSTRUCTION

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

13 B. The provisions of the compact shall be liberally construed to effectuate
14 its purposes.

15 SECTION 19. BINDING EFFECT OF COMPACT AND OTHER LAWS

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

18 B. All lawful actions of the commission, including all rules and bylaws
19 promulgated by the commission, shall be binding upon the member states.

20 C. All agreements between the commission and the member states shall be
21 binding in accordance with their terms.

22 D. In the event any provision of the compact exceeds the constitutional limits
23 imposed on the legislature of any member state, such provision shall be ineffective
24 to the extent of the conflict with the constitutional provision in question in that
25 member state.

26 SECTION 20. RULES OF ORDER

27 The most current edition of the American Institute of Parliamentarians
28 Standard Code of Parliamentary Procedure shall govern all meetings of the

1 commission, including its committees, in those situations not otherwise covered in
2 the bylaws.

3 Section 2. R.S. 44:4.1(B)(24) is hereby amended and reenacted to read as follows:

4 §4.1. Exceptions

5 * *

6 B. The legislature further recognizes that there exist exceptions, exemptions,
7 and limitations to the laws pertaining to public records throughout the revised
8 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
9 limitations are hereby continued in effect by incorporation into this Chapter by
10 citation:

11 * *

12 (24) R.S. 37:74, 86, 90, 147, 691, 711.10, 763, 763.1, 781, 799, 920.1, 969.1,
13 1123(E), 1277, 1278, 1285, 1326, 1338.1, 1360.53.1, 1360.104.1, 1518, 1745.15,
14 1747, 1806, 2156.1, 2406, 2505.1, 2863.1, 3276.2, 3481, 3507.1

15 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 543 Reengrossed

2025 Regular Session

McMahan

Abstract: Enacts the Interstate Dental and Dental Hygiene Licensure Compact.

Proposed law provides for the creation of Interstate Dental and Dental Hygiene Licensure Compact.

Proposed law provides that the purpose of the compact is to expedite licensure and increase access to dental healthcare through licensure boards acting in cooperation.

Proposed law requires the compact to do all of the following:

- (1) Allows for expedited licensure portability and ease of movement of licensees between states.
- (2) Allows each state to continue to regulate the practice of dentistry and dental hygiene within its borders.
- (3) Creates a common goal of protecting the public by ensuring a uniform licensure standard and sharing of information in the compact.

- (4) Allows for licensure in every participating state by requiring passage of the uniform licensure examination that assesses psychomotor and cognitive dental skills and is currently accepted in fifty state licensing jurisdictions and United State territories.
- (5) Gives licensees one location to maintain professional documentation to expedite license transfers in states, hospitals, or institutional credentialing.
- (6) Facilitates a faster licensure process for relocation or separation of military members and their dependent spouses; there are no compact fees for military members or their spouses.
- (7) Alleviates a duplicative process for licensure among multiple states.
- (8) Saves applicants money by not having to obtain duplicate documents from a source that charges for the documents.

Proposed law defines applicable terms.

Proposed law prohibits each member state within the compact from enacting a compact that is materially different from this compact.

Proposed law establishes the powers and duties of the member states and the commission.

Proposed law also establishes certain criteria for membership, voting, and meetings.

Proposed law provides for member states obligations and duties to the commission, such as providing necessary and required documentation and data.

Proposed law requires a dentist or dental hygienist, who applies for compact license privileges, to satisfy necessary dentistry requirements as provided by the compact. Proposed law further provides other eligibility requirements a dentist or dental hygienist must satisfy in order to be in compliance with the compact.

Proposed law provides that each licensee holding a compact license privilege shall be subject to and comply with the laws and regulations of the member state where the licensee practices under a compact license privilege.

Proposed law provides that each licensee holding a compact license privilege shall be subject to the jurisdiction and authority of the member state dental board of the state where the licensee practices.

Proposed law provides that a licensee holding a compact license privilege may have an adverse action taken against him by any of the following:

- (1) The member state dental board of the member state where he is practicing with a compact license privilege.
- (2) The licensee's home state.
- (3) The state licensing authority of a state that is not a member state from where the licensee holds a license.

Proposed law provides that no compact fee shall be required of any active-duty military member or his spouse for up to one year after separation from the service. Proposed law also allows a member state issuing a compact license privilege to waive fees for active-duty military members or their spouses.

Proposed law establishes the procedure for conducting joint investigations and disciplinary actions.

Proposed law allows insurance companies and entities verifying documents for licensing purposes to seek information from the clearinghouse for public record documents.

Proposed law requires the commission to promulgate any reasonable rules necessary for the effective and efficient implementation of the compact. Proposed law further provides that the rules issued by the commission shall have the force of law in each member state.

Proposed law establishes provisions for governmental oversight, dispute resolution, and enforcement of the compact.

Proposed law provides that the compact shall come into effect on the date on which the compact statute is enacted into law in the fifth member state. Proposed law further establishes provisions for a state's withdrawal and dissolution from the compact.

Proposed law establishes certain provisions for rulemaking and severability.

Proposed law further provides that nothing in proposed law shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

Proposed law provides that any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

Proposed law exempts certain provisions of proposed law from public records requests.

(Amends R.S. 44:4.1(B)(24); Adds R.S. 37:799)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill:

1. Make technical changes.