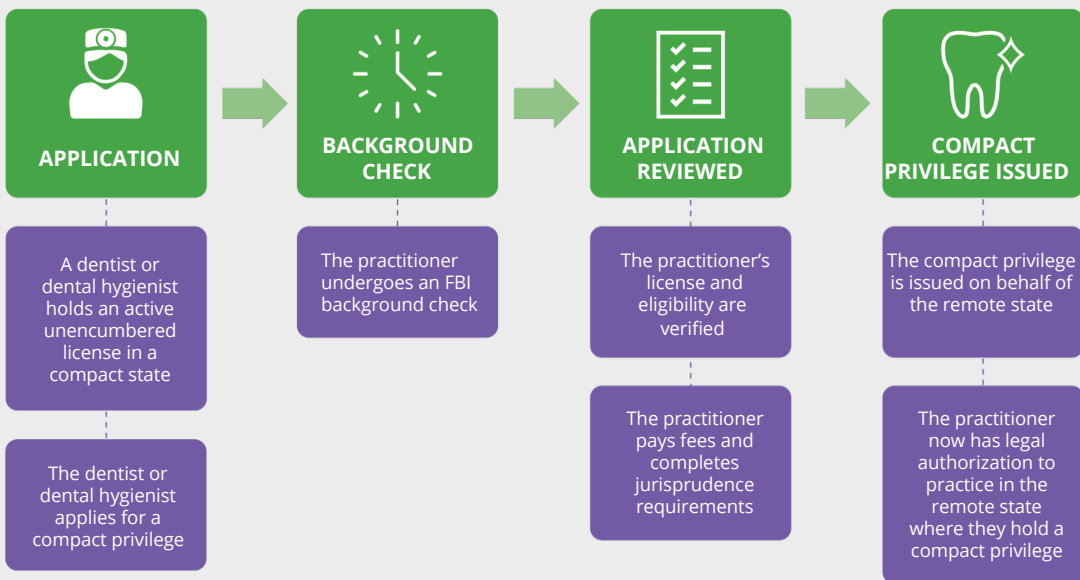


DDH Dentist and Dental Hygienist Compact

This project is funded by the Department of Defense

What is the Dentist and Dental Hygienist Compact?

The Dentist and Dental Hygienist Compact is an interstate occupational licensure compact. Interstate compacts are constitutionally authorized, legally binding, legislatively enacted contracts among states. This compact enables licensed dentists and dental hygienists to practice in all states participating in the compact, as opposed to them obtaining an individual license in every state they want to practice.



What other professions have an interstate compact?

Interstate Medical Licensure Compact (IMLC)

Nurse Licensure Compact (NLC) and Advanced Practice Nurse Compact (APRN Compact)

Emergency Medical Service Officials Licensure Compact (EMS Compact)

Physical Therapists Licensure Compact (PT Compact)

Psychology Interjurisdictional Compact (PSYPACT)

Audiology and Speech-Language Pathology Interstate Compact (ASLP-IC)

Occupational Therapy Interstate Licensure Compact (OT Compact)

Counseling Interstate Licensure Compact

Who can use the Dentist and Dental Hygienist Compact?

A dentist or dental hygienist is eligible to participate in the compact if they have:

- An active, unencumbered license in any state participating in the compact.
- Passed the National Board Examination or other exam accepted by the compact commission.
- Completed a clinical assessment.
- Graduated from an education program accredited by the Commission on Dental Accreditation.
- No disqualifying criminal history.

BENEFITS OF THE DENTIST AND DENTAL HYGIENIST COMPACT FOR LICENSEES:



Facilitates multistate practice.



Enhances license portability when changing state of residence.



Expands employment opportunities into new markets.



Improves continuity of care when patients or providers relocate.



Supports relocating military spouses.



Reduces burden of maintaining multiple licenses.

BENEFITS OF THE DENTIST AND DENTAL HYGIENIST COMPACT FOR REGULATORS:



Reduces administrative burden.



Facilitates practitioner mobility during public health emergencies.



Ensures retention of jurisdiction over practitioners working in their state.



Expands state licensure board cooperation on investigations and disputes.



Enhances public safety through shared data system.

BENEFITS OF THE DENTIST AND DENTAL HYGIENIST COMPACT FOR STATES:



Promotes workforce development and strengthens labor markets.



Expands consumer access to highly qualified practitioners.



Preserves state sovereignty.



Increases collaboration among states.

What's Next?

The Council of State Governments (CSG) has facilitated the development of the Dentist and Dental Hygienist Compact model legislation. This legislation has been finalized for introduction during 2023 legislative sessions. Each state must enact the model legislation to join the compact. Supporters of the compact can contact the state chapter or national office of their professional membership association and state legislature to advocate for the interstate compact.

To get involved or learn about advocating for the interstate compact, please visit ddhcompact.org.

Summary of Key Provisions

This project was funded by the Department of Defense

Section 1: Title and Purpose

The purposes of this Compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed.

This Compact is designed to achieve the following objectives:

- Enhance states' abilities to protect the public's health and safety
- Facilitate the exchange of licensure, investigative and disciplinary information among member states
- Requires practitioners to practice within the scope of practice authorized by the state in which they are practicing
- Support active-duty military personnel and their spouses
- Encourage the cooperation of member states in regulating multistate practice for licensed dentists and dental hygienists
- Create a streamlined pathway for licensees to practice in participating states increasing the mobility of duly licensed dentists and dental hygienists
- Increase public access to dentistry services

Section 2: Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact. Defined terms are capitalized throughout the document. The Dentist and Dental Hygienist Compact uses the term "Compact Privilege" to describe a licensee's permission to work in a remote state.

Section 3: State Participation in the Compact

This section establishes the requirements for states to be eligible to participate in the compact, and what is required of participating states to continue to maintain eligibility.

To be eligible to participate in the compact a participating state must:

- Accept the National Board Examinations of the Joint Commission on National Dental Examinations
- Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the Commission on Dental

Accreditation and that applicants for a dental hygienist license graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation

- Require for licensure that applicants successfully complete a clinical assessment
- Have continuing professional development requirements
- Have a mechanism to receive and investigate complaints about Licensees practicing in that state
- Enact a compact that is not materially different from the model compact
- Participate fully in the compact data system
- Notify the compact commission of any adverse action or the availability of significant investigative information regarding a licensee or applicant
- Implement procedures for requiring the background check of applicants for a privilege to practice
- Comply with the rules of the commission, the governing body of the compact
- Accept licensees from other participating states as established by the compact

Section 4: Compact Privilege

This section describes the requirements for a dentist or dental hygienist to obtain a compact privilege to practice in remote states.

To obtain and exercise a compact privilege under the compact a licensed dentist or dental hygienist must:

- Hold a qualifying license¹ in a participating state
- Have passed a National Board Examination of the Joint Commission on National Dental Examinations
- Have graduated from a predoctoral dental education program accredited by CODA, leading to a D.D.S. or D.M.D. degree (for dentists)
- Have graduated from a dental hygiene education program accredited by CODA (for dental hygienists)
- Have successfully completed a clinical assessment
- Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable state or federal criminal law, within five (5) years prior to the date of their application;
- Apply to the commission through the participating state where the licensee holds a qualifying license
- Pay any applicable fees
- Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege
- Report to the commission any adverse action taken by any non-participating state

¹ The compact defines Qualifying License as an active, unencumbered license issued by a participating state.

- Report to the commission the licensee's primary address and any change in address

Section 5: Active-Duty Military Personnel or their Spouses

This section specifies that active-duty military members and their spouse shall not be required to pay the commission fee for a compact privilege. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to active-duty military and their spouses.

Section 6: Adverse Actions

This section establishes a disciplinary framework between the compact participating states. Remote states may take adverse action against a licensee's compact privilege in that state and may issue enforceable subpoenas for witnesses and evidence from other participating states.

Participating states must report any adverse action and the existence of significant investigative information to the compact data system, which then promptly alerts the other participating states of this information. Any participating state may take adverse action based on the factual findings of a remote state. This section also directs the compact participating states to work together on joint investigative activities related to licensees using the compact.

Section 7: Establishment and Operation of the Commission

This section outlines the composition and powers of the compact commission.

- Each participating state is entitled to one delegate
- The Commissioner will be a member or designee of the State Licensing Authority
- Each delegate has one vote on commission rules and bylaws
- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.

Section 8: Data System

This section establishes the commission's shared information system. Participating states are required to share licensing information on practitioners with compact privileges. Participating states will submit a uniform dataset to the data system on all practitioners to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of disciplinary and investigative information.

Adverse action information pertaining to a licensee in any participating state will only be available to other participating states. A participating state may designate information submitted to the data system that may not be shared with the public without the express permission of that participating state.

Section 9: Rulemaking

This section establishes the rulemaking authority of the commission to carry out the provisions of the compact.

- Rules carry the force of law in all participating states.
- A simple majority of participating state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

Section 10: Oversight, Dispute Resolution and Enforcement

This section ensures compliance with the compact by member states and details the procedures to be followed in the event a participating state fails to comply with the compact.

- A period of technical assistance in remedying the situation.
- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The commission shall attempt to resolve any compact-related disputes that may arise between states.

Section 11: Effective Date, Withdrawal and Amendment

This section establishes the effective date of the compact and includes provisions for states withdrawing from the compact and the member states collectively amending the compact.

- The compact takes effect on the date of enactment by the seventh state.
- States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.
- Participating states may enact a law to repeal their membership in the compact.
A state's withdrawal takes effect 180 days after enactment of such law.

Section 12: Construction and Severability

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all participating states.

- If a provision is held contrary to a participating state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Section 13: Consistent Effect and Conflict with Other State Laws

Participating states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact. Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.

DDH Dentist and Dental Hygienist Compact

Frequently Asked Questions

This project is funded by the Department of Defense

What is the Dentist and Dental Hygienist Compact?

The Dentist and Dental Hygienist Compact is a legally binding agreement among states that provides a pathway through which dentists and dental hygienists can obtain compact privileges which authorize practice in states where they are not licensed. A state must enact the compact model legislation via a state's legislative process to join.

What are some benefits of the compact?

The compact:

- Facilitates multistate practice.
- Enhances license portability when changing state of residence.
- Expands employment opportunities into new markets.
- Improves continuity of care when patients or providers relocate.
- Expands consumer access to highly qualified practitioners.
- Supports relocating military spouses.
- Reduces burden of maintaining multiple licenses.

How do states join the compact?

States can participate in the compact by passing the compact model legislation through the state's legislature and becoming state law through the governor's signing.

How does the Dentist and Dental Hygienist Compact work?

The Dentist and Dental Hygienist Compact is a mutual recognition model compact similar in form and function to professional licensure compacts for nurses, physical therapists and psychologists. Dentists and dental hygienists who are licensed in one compact member state can practice in another participating state by obtaining a compact privilege.

What is a compact privilege?

A compact privilege is the legal authorization for a dentist or dental hygienist to practice in a remote state where they are not licensed. A dentist or dental hygienist must hold an active and unencumbered license in a compact participating state and meet additional eligibility criteria to be eligible for a compact privilege. A dentist or dental hygienist

applies for a compact privilege and may begin legally working in the new state when eligibility is verified, jurisprudence requirements are met and all fees are paid.

What is a qualifying license?

A qualifying license is an unrestricted license to practice dentistry or dental hygiene that has been issued by a state participating in the compact. The license must be currently active and unencumbered.

How do practitioners qualify for the compact?

To be eligible to obtain a compact privilege in a remote state, a dentist or dental hygienist must have:

- An unencumbered license in a state that has joined the compact.
- Graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation; or a dental hygiene education program accredited by the Commission on Dental Accreditation.
- Passed the National Board Examination.
- Completed a clinical assessment for licensure.
- No disqualifying criminal history.
- Passed any jurisprudence requirements established by the remote state.
- Pay all required fees.

Can foreign trained dentists with a CODA accredited residency or specialty program use the compact?

The compact specifies that dentists who use the compact must have completed a CODA accredited predoctoral program leading to a Doctor of Dental Surgery or Doctor of Dental Medicine degree. Dentists who are not able to satisfy this requirement, such as foreign trained dentists, are not eligible to apply for compact privileges.

What does a compact privilege allow me to do in a remote state?

A licensee providing dentistry or dental hygiene services in a remote state under a compact privilege will function within the scope of practice as individuals who are licensed in that state. If a remote state requires a specialty license in order to limit practice to that specialty, the practitioner would also be required to obtain that specialty license in order to limit practice to the specialty in that remote state.

Are other oral health professionals eligible to use the compact?

The compact intends to include the general dentistry and dental hygiene licenses. Anyone who holds a general dentistry or dental hygiene license is eligible to use the compact if the other criteria outlined in the compact are met. The compact would

authorize a practitioner to perform the functions outlined in the state's practice act as a general dentist or dental hygienist.

If a state requires additional testing, training, or permits/certifications to perform certain procedures (e.g., sedation/anesthesia permits for dentists, or administration of local anesthesia for dental hygienists), practitioners would be required to complete those requirements.

What exams meet the compact's definition of clinical assessment?

Section 4 of the compact requires that practitioners successfully complete a clinical assessment for licensure in order to obtain a compact privilege. As defined in the compact, the clinical assessment can be an examination or process that provides evidence of clinical competence in dentistry or dental hygiene. This includes all pathways accepted by a participating state such as hands-based skills assessments, the DLOSCE, and dental residency programs.

If a state requires a specific clinical assessment for licensure by statute, rule or regulation, can it join the compact?

Yes. States can join the compact regardless of what clinical assessment their statute requires. This allows states to retain their sovereignty over licensure requirements. The compact defines clinical assessment broadly to encompass all valid measures of clinical competence allowed by states for licensure. In joining the compact, participating states are agreeing to accept practitioners from other states who may not have the identical clinical assessment requirements.

What is the compact commission?

The commission is a government agency established by the compact. The commission will be comprised of one delegate from each participating state. The commission writes rules and bylaws to administer and implement the compact. As stated in section 7 of the compact, commissioners will be a designee from each participating state's licensing authority. The commission is not a dental board. It cannot affect state licensing requirements or take action against a licensee.

Will dentists and dental hygienists need to complete continuing education units for each state?

Practitioners must complete the continuing education requirements in the state where they hold a qualifying license in order to maintain their qualifying license. They do not complete continuing education in remote states where they hold compact privileges.

Will dentists and dental hygienists need to complete jurisprudence examinations for each state?

Practitioners will need to complete a jurisprudence assessment if it's required by the remote state where they are seeking a compact privilege.

How will state regulators know who is practicing in their state?

Because dentists and dental hygienists need to obtain individual compact privileges in each state where they want to practice, regulators will know who has compact privileges in their state. They will see this information via the commission's data system that the participating states have access to. Just as a regulator can currently see who has a license in their state, regulators will be able to know who has compact privileges to practice in their state.

Won't the compact facilitate "venue shopping" where licensees will go to the state with the least rigorous requirements?

The compact does not require licensees to be licensed in their state of residence. Although there is some concern that new license seekers will apply for a license in the state with the "least rigorous" requirements, there is significant uniformity among the states in regard to licensing requirements. All states have a pathway to licensure which requires CODA accredited education. All states require the National Dental Board Examination. All states require a clinical assessment for licensure. Because there is no variation in the states around these standard requirements, it is unlikely that license seekers will be incentivized to "shop" for which state to obtain their license. As specified in sections 3 and 4 of the compact, all practitioners must meet these standard requirements to use the compact.

How can interested parties get involved?

The compact model legislation has been finalized. Each state must enact the compact model legislation via a state's legislative process to join. To read the model legislation, educational materials and learn how to get involved, visit the dentist and dental hygienist compact webpage at www.ddhcompact.org.

The Dentist and Dental Hygienist Compact is the result of a partnership between The Council of State Governments, the American Dental Association and American Dental Hygienist Association, and Department of Defense.

Reach out directly to CSG email: dentalcompact@csg.org

Reach out directly to ADA email: CDEL@ada.org

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