

§18435. Compact privilege

1. Requirements. To obtain and exercise a compact privilege, a licensee must:

A. Have a qualifying license as a dentist or dental hygienist in a participating state; [PL 2023, c. 664, §1 (NEW).]

B. Be eligible for a compact privilege in any remote state in accordance with this subchapter; [PL 2023, c. 664, §1 (NEW).]

C. Submit to an application process whenever the licensee is seeking a compact privilege; [PL 2023, c. 664, §1 (NEW).]

D. Pay any applicable commission and remote state fees for a compact privilege in the remote state; [PL 2023, c. 664, §1 (NEW).]

E. Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege; [PL 2023, c. 664, §1 (NEW).]

F. Have passed a national board examination of the Joint Commission on National Dental Examinations or its successor organization or another examination accepted by commission rule; [PL 2023, c. 664, §1 (NEW).]

G. For a dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree; [PL 2023, c. 664, §1 (NEW).]

H. For a dental hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs; [PL 2023, c. 664, §1 (NEW).]

I. Have successfully completed a clinical assessment for licensure; [PL 2023, c. 664, §1 (NEW).]

J. Report to the commission adverse action taken by any nonparticipating state when applying for a compact privilege and, otherwise, within 30 days from the date the adverse action is taken; [PL 2023, c. 664, §1 (NEW).]

K. Report to the commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the commission any change in the address of the licensee's primary residence; and [PL 2023, c. 664, §1 (NEW).]

L. Consent to accept service of process by mail at the licensee's primary residence on record with the commission with respect to any action brought against the licensee by the commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the commission with respect to any action brought or investigation conducted by the commission or a participating state. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

2. Compliance. The licensee must comply with all of the requirements of subsection 1 to maintain the compact privilege in a remote state. If those requirements are met, the compact privilege continues as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees. [PL 2023, c. 664, §1 (NEW).]

3. Scope of practice. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist

or dental hygienist licensed in that state. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority.

[PL 2023, c. 664, §1 (NEW).]

4. Revocation or limitation of compact privilege by remote state. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is revoked or removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for revocation or removal of the compact privilege has passed and all encumbrance requirements are satisfied.

[PL 2023, c. 664, §1 (NEW).]

5. Encumbered license. If a license in a participating state is an encumbered license, the licensee loses the compact privilege in a remote state and is not eligible for a compact privilege in any remote state until the license is no longer encumbered.

A. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of subsection 1 to obtain a compact privilege in a remote state. [PL 2023, c. 664, §1 (NEW).]

B. If a licensee's compact privilege in a remote state is revoked or removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until the following occur:

(1) The specific period of time for which the compact privilege was revoked or removed has ended; and

(2) All conditions for revocation or removal of the compact privilege have been satisfied. [PL 2023, c. 664, §1 (NEW).]

C. Once the requirements of paragraph B have been met, the licensee must meet the requirements in subsection 1 to obtain a compact privilege in a remote state. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

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