

BILL ANALYSIS

Senate Research Center
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H.B. 1803
By: Harless (To Be Filed)
Business & Commerce
5/13/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to witness testimony provided to the committee, the Association of Dental Support Organizations and the Texas Dental Hygienists' Association report that Texas is having difficulty recruiting and retaining qualified dental health care professionals. According to data provided by the Health Resources & Services Administration, Texas has 264 dental professional shortage areas, the fourth highest in the nation. A 2019 report by the Department of State Health Services also showed that demand for dental hygienists is projected to exceed supply for many years. According to the Dentist and Dental Hygienist Compact set forth by the Council of State Governments, there are currently 12 states that have enacted the compact and 12 others, including Texas, with pending legislation. H.B. 1803 seeks to address this issue to promote mobility and address dental workforce shortages by entering into the compact. The compact would streamline the approval process for licensed dental professionals who are seeking to relocate to Texas and begin practicing and serving this need while still providing important patient safeguards.

H.B. 1803 amends current law relating to the Dentist and Dental Hygienist Compact and authorizes fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Dentist and Dental Hygienist Compact Commission in SECTION 1 (Section 268.001, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the State Board of Dental Examiners in SECTION 1 (Section 268.003, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle D, Title 3, Occupations Code, by adding Chapter 268, as follows:

CHAPTER 268. DENTIST AND DENTAL HYGIENIST COMPACT

Sec. 268.001. DENTIST AND DENTAL HYGIENIST COMPACT. Provides that the Dentist and Dental Hygienist Compact is enacted and entered into with all other jurisdictions that legally join in the compact, which reads as follows:

DENTIST AND DENTAL HYGIENIST COMPACT

SECTION 1. TITLE AND PURPOSE

Requires that this statute be known and cited as the Dentist and Dental Hygienist Compact. Sets forth the purpose of the Dentist and Dental Hygienist Compact.

SECTION 2. DEFINITIONS

Defines "active military member," "adverse action," "alternative program," "clinical assessment," "commissioner," "compact," "compact privilege," "continuing professional development," "criminal background check," "data

system," "dental hygienist," "dentist," "dentist and dental hygienist compact commission," "commission," "encumbered license," "executive board," "jurisprudence requirement," "license," "licensee," "model compact," "participating state," "qualifying license," "remote state," "rule," "scope of practice," "significant investigative information," "state," and "state licensing authority."

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. Requires a State, in order to join the Compact and thereafter continue as a Participating State, to adhere to certain requirements and responsibilities.

B. Provides that providing alternative pathways for an individual to obtain an unrestricted License does not disqualify a State from participating in the Compact.

C. Requires the State Licensing Authority, when conducting a Criminal Background Check, to consider that information in making a licensure decision, maintain documentation of completion of the Criminal Background Check and background check information to the extent allowed by State and federal law, and report to the Dentist and Dental Hygienist Compact Commission (Commission) whether it has completed the Criminal Background Check and whether the individual was granted or denied a License.

D. Requires a Licensee of a Participating State who has a Qualifying License in that State and does not hold an Encumbered License in any other Participating State to be issued a Compact Privilege in a Remote State in accordance with the terms of the Compact and Commission Rules. Provides that, if a Remote State has a Jurisprudence Requirement, a Compact Privilege will not be issued to the Licensee unless the Licensee has satisfied the Jurisprudence Requirement.

SECTION 4. COMPACT PRIVILEGE

A. Requires the Licensee, to obtain and exercise the Compact Privilege under the terms and provisions of the Compact, to meet certain criteria.

B. Requires the Licensee to comply with the requirements of Subsection A of this section to maintain the Compact Privilege in the Remote State. Provides that, if those requirements are met, the Compact Privilege will continue 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.

C. Requires a Licensee providing dentistry or dental hygiene in a Remote State under the Compact Privilege to function within the Scope of Practice authorized by the Remote State for a Dentist or Dental Hygienist licensed in that State.

D. Provides that a Licensee providing dentistry or dental hygiene pursuant to a Compact Privilege in a Remote State is subject to that State's regulatory authority. Authorizes a Remote State, in accordance with due process and that State's laws, by Adverse Action to 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. Provides that, 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. Provides that a Licensee whose Compact Privilege in a Remote State is removed for a specified period of time is not eligible for a Compact Privilege in any other Remote State until the specific time for removal of the Compact Privilege has passed and all encumbrance requirements are satisfied.

E. Requires the Licensee, if a License in a Participating State is an Encumbered License, to lose the Compact Privilege in a Remote State and not be eligible for a Compact Privilege in any Remote State until the License is no longer encumbered.

F. Requires the Licensee, once an Encumbered License in a Participating State is restored to good standing, to meet the requirements of Subsection A of this section to obtain a Compact Privilege in a Remote State.

G. Requires the individual, if a Licensee's Compact Privilege in a Remote State is removed by the Remote State, to lose or be ineligible for the Compact Privilege in any Remote State until the specific period of time for which the Compact Privilege was removed has ended and all conditions for removal of the Compact Privilege have been satisfied.

H. Requires the Licensee, once the requirements of Subsection G of this section have been met, to meet the requirements in Subsection A of this section to obtain a Compact Privilege in a Remote State.

SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

Prohibits an Active Military Member and their spouse from being required to pay to the Commission for a Compact Privilege the fee otherwise charged by the Commission. Authorizes a Remote State, if it chooses to charge a fee for a Compact Privilege, to choose to charge a reduced fee or no fee to an Active Military Member and their spouse for a Compact Privilege.

SECTION 6. ADVERSE ACTIONS

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

B. Authorizes a Participating State to take Adverse Action based on the Significant Investigative Information of a Remote State, so long as the Participating State follows its own procedures for imposing Adverse Action.

C. Requires that nothing in this Compact override a Participating State's decision that participation in an Alternative Program is authorized to be used in lieu of Adverse Action and that such participation is required to remain non-public if required by the Participating State's laws. Requires participating states to require Licensees who enter any Alternative Program in lieu of discipline to agree not to practice pursuant to a Compact Privilege in any other Participating State during the term of the Alternative Program without prior authorization from such other Participating State.

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

E. Requires a Remote State to have the authority to:

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

2. In furtherance of its rights and responsibilities under the Compact and the Commission's Rules issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and

the production of evidence. Requires that subpoenas issued by a State Licensing Authority in a Participating State for the attendance and testimony of witnesses, or the production of evidence from another Participating State, be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. Requires the issuing authority to pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State where the witnesses or evidence are located; and

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

F. Joint Investigations

1. Authorizes a Participating State, in addition to the authority granted to a Participating State by its Dentist or Dental Hygienist licensure act or other applicable State law, to jointly investigate Licensees with other Participating States.

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

G. Authority to Continue Investigation

1. Authorizes a Remote State, after a Licensee's Compact Privilege in the Remote State is terminated, to continue an investigation of the Licensee that began when the Licensee had a Compact Privilege in that Remote State.

2. Requires a Remote State, if the investigation yields what would be Significant Investigative Information had the Licensee continued to have a Compact Privilege in that Remote State, to report the presence of such information to the Data System as required by Section 8.B.6 as if it was Significant Investigative Information.

SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION

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

B. Participation, Voting, and Meetings

1. Requires each Participating State to have and be limited to one (1) Commissioner selected by that Participating State's State Licensing Authority or, if the State has more than one State Licensing Authority, selected collectively by the State Licensing Authorities.

2. Requires the Commissioner to be a member or designee of such Authority or Authorities.

3. Authorizes the Commission by Rule or bylaw to establish a term of office for Commissioners and term limits.

4. Authorizes the Commission to recommend to a State Licensing Authority or Authorities, as applicable, removal or suspension of an individual as the State's Commissioner.

5. Requires a Participating State's State Licensing Authority, or Authorities, as applicable, to fill any vacancy of its Commissioner on the Commission within sixty (60) days of the vacancy.

6. Requires each Commissioner to be entitled to one vote on all matters that are voted upon by the Commission.

7. Requires the Commission to meet at least once during each calendar year. Authorizes additional meetings to be held as set forth in the bylaws. Authorizes the Commission to meet by telecommunication, video conference or other similar electronic means.

C. Requires the Commission to have certain powers.

D. Meetings of the Commission

1. Requires that all meetings of the Commission that are not closed pursuant to this subsection be open to the public. Requires that notice of the public meetings be posted on the Commission's website at least thirty (30) days prior to the public meeting.

2. Authorizes the Commission, notwithstanding Subsection D.1 of this section, to convene an emergency public meeting by providing at least twenty-four (24) hours prior notice on the Commission's website, and any other means as provided in the Commission's Rules, for any of the reasons it is authorized to dispense with notice of proposed rulemaking under Section 9.L. Requires the Commission's legal counsel to certify that one of the reasons justifying an emergency public meeting has been met.

3. Requires that notice of all Commission meetings provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice is required to include the mechanism for access to the meeting through such means.

4. Authorizes the Commission to convene in a closed, non-public meeting for the Commission to receive legal advice or to discuss certain matters.

5. Requires the presiding officer, if a meeting, or portion of a meeting, is closed to state that the meeting will be closed and reference each relevant exempting provision, and such reference is required to be recorded in the minutes.

6. Requires the Commission to keep minutes that fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. Requires that all documents considered in connection with an action be identified in such minutes. Requires that all minutes and documents of a closed meeting remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

E. Financing of the Commission

1. Requires the Commission to pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
2. Authorizes the Commission to accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.
3. Authorizes the Commission to levy on and collect an annual assessment from each Participating State and impose fees on Licensees of Participating States when a Compact Privilege is granted, to cover the cost of the operations and activities of the Commission and its staff, which is required to be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. Requires that the aggregate annual assessment amount for Participating States be allocated based upon a formula that the Commission is required to promulgate by Rule.
4. Prohibits the Commission from incurring obligations of any kind prior to securing the funds adequate to meet the same; or from pledging the credit of any Participating State, except by and with the authority of the Participating State.
5. Requires the Commission to keep accurate accounts of all receipts and disbursements. Requires that the receipts and disbursements of the Commission be subject to the financial review and accounting procedures established under its bylaws. Requires that all receipts and disbursements of funds handled by the Commission be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review be included in and become part of the annual report of the Commission.

F. The Executive Board

1. Requires the Executive Board to have the power to act on behalf of the Commission according to the terms of this Compact. Requires that the powers, duties, and responsibilities of the Executive Board include certain duties.
2. Requires the Executive Board to be composed of up to seven (7) members, including certain positions.
3. Authorizes the Commission to remove any member of the Executive Board as provided in the Commission's bylaws.
4. Requires the Executive Board to meet at least annually.
 - a. Requires that an Executive Board meeting at which it takes or intends to take formal action on a matter be open to the public, except that the Executive Board is authorized to meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection D.4.
 - b. Requires the Executive Board to give five (5) business days' notice of its public meetings, posted on its website and as it is authorized to otherwise determine to provide notice to persons with an interest in the public matters the Executive Board intends to address at those meetings.

5. Authorizes the Executive Board to hold an emergency meeting when acting for the Commission to meet an imminent threat to public health, safety, or welfare, prevent a loss of Commission or Participating State funds, or protect public health and safety.

G. Qualified Immunity, Defense, and Indemnification

1. Requires the members, officers, executive director, employees and representatives of the Commission to be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided that nothing herein is to be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. Prohibits the procurement of insurance of any type by the Commission from in any way compromising or limiting the immunity granted hereunder.

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

3. Requires the Commission, notwithstanding subsection G.1 of this section, should any member, officer, executive director, employee, or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the Commission, to indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of the individual.

4. Requires that nothing herein be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which is required to be governed solely by any other applicable State laws.

5. Requires that nothing in this Compact be interpreted to waive or otherwise abrogate a Participating State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Requires that nothing in this Compact be construed to be a waiver of sovereign immunity by the Participating States or by the Commission.

SECTION 8. DATA SYSTEM

A. Requires the Commission to provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and the presence of Significant Investigative Information on all Licensees and applicants for a License in Participating States.

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

1. Identifying information;
2. Licensure data;
3. Adverse Actions against a Licensee, License applicant or Compact Privilege and information related thereto;
4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;
5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding the reporting of any criminal history record information where prohibited by law);
6. The presence of Significant Investigative Information; and
7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

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

D. Provides that Significant Investigative Information pertaining to a Licensee in any Participating State will only be available to other Participating States.

E. Provides that it is the responsibility of the Participating States to monitor the database to determine whether Adverse Action has been taken against a Licensee or License applicant. Provides that Adverse Action information pertaining to a Licensee or License applicant in any Participating State will be available to any other Participating State.

F. Authorizes Participating States contributing information to the Data System to designate information that is prohibited from being shared with the public without the express permission of the contributing State.

G. Requires that any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Participating State contributing the information be removed from the Data System.

SECTION 9. RULEMAKING

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

B. Requires that the Rules of the Commission have the force of law in each Participating State, provided however that where the Rules of the Commission conflict with the laws of the Participating State that establish the Participating State's Scope of Practice as held by a court of competent jurisdiction, the Rules of the Commission are required to be ineffective in that State to the extent of the conflict.

C. Requires the Commission to exercise its Rulemaking powers pursuant to the criteria set forth in this section and the Rules adopted thereunder. Requires that Rules become binding as of the date specified by the Commission for each Rule.

D. Provides that if a majority of the legislatures of the Participating States rejects a Commission Rule or portion of a Commission Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, within four (4) years of the date of adoption of the Rule, then such Rule is prohibited from having further force and effect in any Participating State or to any State applying to participate in the Compact.

E. Requires that Rules be adopted at a regular or special meeting of the Commission.

F. Requires the Commission, prior to adoption of a proposed Rule, to hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Requires the Commission, prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, to provide a Notice of Proposed Rulemaking on the website of the Commission or other publicly accessible platform, to persons who have requested notice of the Commission's notices of proposed rulemaking, and in such other way(s) as the Commission is authorized to by Rule specify.

H. Requires that the Notice of Proposed Rulemaking include certain information.

I. Provides that all hearings will be recorded. Requires that a copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule be available to the public.

J. Prohibits anything in this section from being construed as requiring a separate hearing on each Commission Rule. Authorizes Rules to be grouped for the convenience of the Commission at hearings required by this section.

K. Requires the Commission, by majority vote of all Commissioners, to take final action on the proposed Rule based on the rulemaking record.

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

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

3. Requires the Commission to determine a reasonable effective date for the Rule. Requires that the effective date of the Rule, except for an emergency as provided in subsection L, be no sooner than thirty (30) days after the Commission issuing the notice that it adopted or amended the Rule.

L. Authorizes the Commission, upon determination that an emergency exists, to consider and adopt an emergency Rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this section are required to be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. Provides that, for the purposes of this provision, an emergency Rule is one that is required to be adopted immediately in order to meet an imminent threat to public health, safety, or welfare, prevent a loss of Commission or Participating State funds, meet a deadline for the promulgation of a Rule that is established by federal law or rule, or protect public health and safety.

M. Authorizes the Commission or an authorized committee of the Commission to direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Requires that public notice of any revisions be posted on the website of the Commission. Requires that the revision be subject to challenge by any person for a period of thirty (30) days after posting. Provides that the revision is authorized to be challenged only on grounds that the revision results in a material change to a Rule. Requires that a challenge be made in writing and delivered to the Commission prior to the end of the notice period. Provides that, if no challenge is made, the revision will take effect without further action. Prohibits the revision, if the revision is challenged, from taking effect without the approval of the Commission.

N. Requires that no Participating State's rulemaking requirements apply under this Compact.

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. Requires the executive and judicial branches of State government in each Participating State to enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Provides that venue is proper and judicial proceedings by or against the Commission are required to be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. Authorizes the Commission to waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Prohibits anything herein from affecting or limiting the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.

3. Requires the Commission to be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact or Commission Rule and have standing to intervene in such a proceeding for all purposes. Requires that failure to provide the

Commission service of process render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination

1. Requires the Commission, if the Commission determines that a Participating State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, to provide written notice to the defaulting State. Requires that the notice of default describe the default, the proposed means of curing the default, and any other action that the Commission is authorized to take, and offer training and specific technical assistance regarding the default.

2. Requires the Commission to provide a copy of the notice of default to the other Participating States.

C. Authorizes a state in default, if the defaulting State fails to cure the default, to be terminated from the Compact upon an affirmative vote of a majority of the Commissioners, and all rights, privileges and benefits conferred on that State by this Compact are authorized to be terminated on the effective date of termination. Provides that a cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Requires that termination of participation in the Compact be imposed only after all other means of securing compliance have been exhausted. Requires that notice of intent to suspend or terminate be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority or Authorities, as applicable, and each of the Participating States' State Licensing Authority or Authorities, as applicable.

E. Provides that a State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Requires that a State, upon the termination of the State's participation in the Compact, to immediately provide notice to all Licensees of the State, including Licensees of other Participating States issued a Compact Privilege to practice within that State, of such termination. Requires the terminated State to continue to recognize all Compact Privileges then in effect in that State for a minimum of one hundred eighty (180) days after the date of said notice of termination.

G. Prohibits the Commission from bearing any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. Authorizing the defaulting State to appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. Requires the prevailing party to be awarded all costs of such litigation, including reasonable attorney's fees.

I. Dispute Resolution

1. Requires the Commission, upon request by a Participating State, to attempt to resolve disputes related to the Compact that arise among Participating States and between Participating States and non-Participating States.

2. Requires the Commission to promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement

1. Requires the Commission, in the reasonable exercise of its discretion, to enforce the provisions of this Compact and the Commission's Rules.
2. Authorizes the Commission, by majority vote, to initiate legal action against a Participating State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. Authorizes the relief sought to include both injunctive relief and damages. Requires the prevailing party, in the event judicial enforcement is necessary, to be awarded all costs of such litigation, including reasonable attorney's fees. Prohibits the remedies herein from being the exclusive remedies of the Commission. Authorizes the Commission to pursue any other remedies available under federal or the defaulting Participating State's law.
3. Authorizes a Participating State to initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. Authorizes the relief sought to include both injunctive relief and damages. Requires the prevailing party, in the event judicial enforcement is necessary, to be awarded all costs of such litigation, including reasonable attorney's fees.
4. Prohibits any individual or entity other than a Participating State from enforcing this Compact against the Commission.

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

- A. Requires that the Compact come into effect on the date on which the Compact statute is enacted into law in the seventh Participating State.

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

- a. Requires a Charter Participating State whose enactment is found to be materially different from the Model Compact to be entitled to the default process set forth in Section 10.

- b. Requires the Commission, if any Participating State is later found to be in default, or is terminated or withdraws from the Compact, to remain in existence and the Compact is required to remain in effect even if the number of Participating States should be less than seven (7).

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

3. Requires that all actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence be considered to be actions of the Commission unless specifically repudiated by the Commission.

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

B. Authorizes any Participating State to withdraw from this Compact by enacting a statute repealing that State's enactment of the Compact.

1. Prohibits a Participating State's withdrawal from taking effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Prohibits withdrawal from affecting the continuing requirement of the withdrawing State's Licensing Authority or Authorities to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Requires the State, upon the enactment of a statute withdrawing from this Compact, to immediately provide notice of such withdrawal to all Licensees within that State. Requires such withdrawing State, notwithstanding any subsequent statutory enactment to the contrary, to continue to recognize all Compact Privileges to practice within that State granted pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.

C. Prohibits anything contained in this Compact from being construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Participating State and a non-Participating State that does not conflict with the provisions of this Compact.

D. Authorizes this Compact to be amended by the Participating States. Prohibits any amendment to this Compact from becoming effective and binding upon any Participating State until it is enacted into the laws of all Participating States.

SECTION 12. CONSTRUCTION AND SEVERABILITY

A. Requires that this Compact and the Commission's rulemaking authority be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Prohibits provisions of the Compact expressly authorizing or requiring the promulgation of Rules from being construed to limit the Commission's rulemaking authority solely for those purposes.

B. Severability clause.

C. Authorizes the Commission, notwithstanding Subsection B of this section, to deny a State's participation in the Compact or, in accordance with the requirements of Section 10.B, terminate a Participating State's participation in the Compact, if it determines that a constitutional requirement of a Participating State is a material departure from the Compact. Provides that, otherwise, if this Compact is required to be held to be contrary to the constitution of any Participating State, the Compact is required to remain in full force and effect as to the remaining Participating States and in full force and effect as to the Participating State affected as to all severable matters.

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

A. Prohibits anything herein from preventing or inhibiting the enforcement of any other law of a Participating State that is not inconsistent with the Compact.

B. Provides that any laws, statutes, regulations, or other legal requirements in a Participating State in conflict with the Compact are superseded to the extent of the conflict.

C. Provides that all permissible agreements between the Commission and the Participating States are binding in accordance with their terms.

Sec. 268.002. ADMINISTRATION OF COMPACT. Provides that the State Board of Dental Examiners (TSBDE) is the Dentist and Dental Hygienist Compact administrator for this state.

Sec. 268.003. RULES. Authorizes TSBDE to adopt rules necessary to implement this chapter.

SECTION 2. Effective date: September 1, 2025.