

State of Wisconsin



2023 Senate Bill 692

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2023 WISCONSIN ACT 88

AN ACT *to renumber and amend* 440.03 (13) (c) 2.; *to amend* 15.405 (6) (a), 15.405 (6) (b), 36.60 (1) (ae), 45.40 (1g) (a), 77.54 (14) (f) 6., 146.81 (1) (c), 146.997 (1) (d) 3., 155.01 (7), 252.14 (1) (ar) 3., 440.03 (9) (a) (intro.), 440.03 (9) (a) 2., 440.03 (13) (b) (intro.), 440.15, 446.01 (1v) (b), chapter 447 (title), 447.01 (intro.), 447.01 (8) (bm), 447.01 (13), 447.02 (1) (e), 447.02 (2) (c), 447.02 (2) (d), 447.02 (2) (e), 447.02 (2) (j), 447.02 (4), 447.02 (5), 447.03 (1) (intro.), 447.03 (2) (intro.), 447.03 (3) (intro.), 447.06 (1), 447.06 (2) (b), 447.06 (2) (c) (intro.), 447.06 (2) (e) (intro.), 447.065 (1) (intro.), 447.065 (2), 447.07 (3) (intro.), 447.07 (3) (f), 447.07 (3) (j), 447.09, 447.10, 447.12 (1), 448.956 (4), 450.10 (3) (a) 4., 451.02 (1), 462.02 (2) (d), 462.04, 463.10 (5), 463.12 (5) and 895.48 (1m) (a) (intro.); and *to create* 14.875, 440.03 (11m) (c) 1t., 440.03 (13) (c) 1. L., subchapter I (title) of chapter 447 [precedes 447.01], 447.01 (1t), 447.01 (1u), 447.04 (1) (bm), 447.04 (2) (bm), subchapter II of chapter 447 [precedes 447.50] and 990.01 (6m) of the statutes; **relating to:** ratification of the Dentist and Dental Hygienist Compact.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 14.875 of the statutes is created to read:
14.875 Dentist and dental hygienist compact.

There is created a dentist and dental hygienist compact commission as specified in s. 447.50. The commissioner on the commission representing this state shall be appointed by the dentistry examining board as provided in s. 447.50 (7) (b) 1. and shall be an individual described in s. 447.50 (7) (b) 2. The commission has the powers and duties granted and imposed under s. 447.50.

SECTION 2. 15.405 (6) (a) of the statutes is amended to read:

15.405 (6) (a) Six dentists who are licensed under subch. I of ch. 447.

SECTION 3. 15.405 (6) (b) of the statutes is amended to read:

15.405 (6) (b) Three dental hygienists who are licensed under subch. I of ch. 447. Notwithstanding s. 15.08 (1m) (a), the dental hygienist members may participate in the preparation and grading of licensing examinations for dental hygienists.

SECTION 4. 36.60 (1) (ae) of the statutes is amended to read:

36.60 (1) (ae) "Dentist" means a dentist, as defined in s. 447.01 (7), who is licensed under subch. I of ch. 447 and who practices general or pediatric dentistry.

SECTION 5. 45.40 (1g) (a) of the statutes, as affected by 2023 Wisconsin Act 56, is amended to read:

45.40 (1g) (a) "Health care provider" means an advanced practice nurse prescriber who is certified under s. 441.16 (2), an audiologist who is licensed under subch. II of ch. 459 or who holds a compact privilege under subch. III of ch. 459, a dentist who is licensed under

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

subch. I of ch. 447 or who holds a compact privilege under subch. II of ch. 447, an optometrist who is licensed under ch. 449, a physician who is licensed under s. 448.02, or a podiatrist who is licensed under s. 448.63.

SECTION 6. 77.54 (14) (f) 6. of the statutes is amended to read:

77.54 (14) (f) 6. A dentist who is licensed under subch. I of ch. 447 or who holds a compact privilege under subch. II of ch. 447.

SECTION 7. 146.81 (1) (c) of the statutes is amended to read:

146.81 (1) (c) A dentist who is licensed under ch. 447 or who holds a compact privilege under subch. II of ch. 447.

SECTION 8. 146.997 (1) (d) 3. of the statutes is amended to read:

146.997 (1) (d) 3. A dentist who is licensed under ch. 447 or who holds a compact privilege under subch. II of ch. 447.

SECTION 9. 155.01 (7) of the statutes, as affected by 2023 Wisconsin Act 81, is amended to read:

155.01 (7) "Health care provider" means a nurse licensed or permitted under ch. 441, a chiropractor licensed under ch. 446, a dentist licensed under subch. I of ch. 447, a physician, physician assistant, perfusionist, podiatrist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, or genetic counselor licensed under ch. 448, a naturopathic doctor licensed under ch. 466, a person practicing Christian Science treatment, an optometrist licensed under ch. 449, a psychologist who is licensed under ch. 455, who is exercising the temporary authorization to practice, as defined in s. 455.50 (2) (o), in this state, or who is practicing under the authority to practice interjurisdictional telepsychology, as defined in s. 455.50 (2) (b), a dentist who holds a compact privilege under subch. II of ch. 447, a physical therapist or physical therapist assistant who holds a compact privilege under subch. XI of ch. 448, an occupational therapist or occupational therapy assistant who holds a compact privilege under subch. XII of ch. 448, a physician assistant who holds a compact privilege under subch. XIII of ch. 448, a partnership thereof, a corporation or limited liability company thereof that provides health care services, a cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility, or a home health agency, as defined in s. 50.49 (1) (a).

SECTION 10. 252.14 (1) (ar) 3. of the statutes is amended to read:

252.14 (1) (ar) 3. A dentist who is licensed under subch. I of ch. 447 or who holds a compact privilege under subch. II of ch. 447.

SECTION 11. 440.03 (9) (a) (intro.) of the statutes, as affected by 2023 Wisconsin Acts 55, 56 and 81, is amended to read:

440.03 (9) (a) (intro.) Subject to pars. (b) and (c) and s. 458.33 (2) (b) and (5), the department shall, biennially, determine each fee for an initial credential for which no examination is required, for a reciprocal credential, and for a credential renewal and any fees imposed under ss. 447.51 (2), 448.986 (2), 448.9875 (2), ~~and 448.9885 (2)~~, ~~and 457.51 (2)~~, and 459.71 (2) by doing all of the following:

SECTION 12. 440.03 (9) (a) 2. of the statutes, as affected by 2023 Wisconsin Acts 55, 56 and 81, is amended to read:

440.03 (9) (a) 2. Not later than January 31 of each odd-numbered year, adjusting for the succeeding fiscal biennium each fee for an initial credential for which an examination is not required, for a reciprocal credential, and, subject to s. 440.08 (2) (a), for a credential renewal, and any fees imposed under ss. 447.51 (2), 448.986 (2), 448.9875 (2), ~~and 448.9885 (2)~~, ~~and 457.51 (2)~~, and 459.71 (2), if an adjustment is necessary to reflect the approximate administrative and enforcement costs of the department that are attributable to the regulation of the particular occupation or business during the period in which the initial or reciprocal credential, credential renewal, or compact privilege is in effect and, for purposes of each fee for a credential renewal, to reflect an estimate of any additional moneys available for the department's general program operations as a result of appropriation transfers that have been or are estimated to be made under s. 20.165 (1) (i) during the fiscal biennium in progress at the time of the deadline for an adjustment under this subdivision or during the fiscal biennium beginning on the July 1 immediately following the deadline for an adjustment under this subdivision.

SECTION 13. 440.03 (11m) (c) 1t. of the statutes is created to read:

440.03 (11m) (c) 1t. The coordinated database and reporting system under s. 447.50 (8), if such disclosure is required under the dentist and dental hygienist compact under s. 447.50.

SECTION 14. 440.03 (13) (b) (intro.) of the statutes, as affected by 2023 Wisconsin Acts 55, 56 and 81, is amended to read:

440.03 (13) (b) (intro.) The department may investigate whether an applicant for or holder of any of the following credentials has been charged with or convicted of a crime only pursuant to rules promulgated by the department under this paragraph, including rules that establish the criteria that the department will use to determine whether an investigation under this paragraph is necessary, except as provided in par. (c) and ss. 441.51 (5) (a) 5., 447.50 (3) (a) 5., 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 455.50 (3) (e) 4. and (f) 4., ~~and 457.50 (3) (b) 3. and (5) (b) 2. a., and 459.70 (3) (b) 2.:~~

SECTION 16. 440.03 (13) (c) 1. L. of the statutes is created to read:

440.03 (13) (c) 1. L. An applicant for a dentist or dental hygienist license or compact privilege under s. 447.04 when required pursuant to the dentist and dental hygienist compact under s. 447.50.

SECTION 15. 440.03 (13) (c) 2. of the statutes, as affected by 2023 Wisconsin Acts 55, 56 and 81, is amended to read:

440.03 (13) (c) 2. The department of justice may submit the fingerprint cards, and the department of justice shall submit the fingerprint cards of all applicants identified in subd. 1. c. to ~~§~~ §, to the federal bureau of investigation for the purpose of verifying the identity of the persons fingerprinted and obtaining records of their criminal arrests and convictions.

SECTION 17. 440.15 of the statutes, as affected by 2023 Wisconsin Acts 55, 56 and 81, is amended to read:

440.15 No fingerprinting. Except as provided under ss. 440.03 (13) (c), 441.51 (5) (a) 5., ~~447.50 (3) (a) 5.~~, 448.980 (5) (b) 3., 448.985 (3) (a) 4., 448.987 (3) (a) 5. a. and (5) (b) 2. a., 448.988 (3) (a) 5., 450.071 (3) (c) 9., 450.075 (3) (c) 9., 455.50 (3) (e) 4. and (f) 4., and 457.50 (3) (b) 3. and (5) (b) 2. a., and 459.70 (3) (b) 1., the department or a credentialing board may not require that an applicant for a credential or a credential holder be fingerprinted or submit fingerprints in connection with the department's or the credentialing board's credentialing.

SECTION 18. 446.01 (1v) (b) of the statutes is amended to read:

446.01 (1v) (b) Dentistry examining board under subch. I of ch. 447. "Health care professional" also includes an individual who holds a compact privilege under subch. II of ch. 447.

SECTION 19. Chapter 447 (title) of the statutes is amended to read:

CHAPTER 447
DENTISTRY EXAMINING BOARD
AND DENTAL HYGIENE

SECTION 20. Subchapter I (title) of chapter 447 [precedes 447.01] of the statutes is created to read:

CHAPTER 447
SUBCHAPTER I
REGULATION OF DENTISTRY
AND DENTAL HYGIENE

SECTION 21. 447.01 (intro.) of the statutes is amended to read:

447.01 Definitions. (intro.) In this ~~chapter~~ subchapter:

SECTION 22. 447.01 (1t) of the statutes is created to read:

447.01 (1t) "Compact" means the dentist and dental hygienist compact under s. 447.50.

SECTION 23. 447.01 (1u) of the statutes is created to read:

447.01 (1u) "Compact privilege" means a compact privilege, as defined in s. 447.50 (2) (g), that is granted under the compact to an individual to practice in this state.

SECTION 24. 447.01 (8) (bm) of the statutes is amended to read:

447.01 (8) (bm) A dentist who is licensed under this chapter subchapter or who is exercising the compact privilege in this state may not perform dental services that are outside the scope of the dentist's relevant education, training, and experience.

SECTION 25. 447.01 (13) of the statutes is amended to read:

447.01 (13) "Written or oral prescription" means specific written or oral authorization by a dentist ~~who is licensed to practice dentistry under this chapter~~ to perform patient procedures according to a clearly defined treatment plan developed by the dentist.

SECTION 26. 447.02 (1) (e) of the statutes is amended to read:

447.02 (1) (e) Providing for the granting of temporary licenses under this ~~chapter~~ subchapter.

SECTION 27. 447.02 (2) (c) of the statutes is amended to read:

447.02 (2) (c) Whether an individual is required to be licensed under this ~~chapter~~ subchapter to remove plaque or materia alba accretions with mechanical devices.

SECTION 28. 447.02 (2) (d) of the statutes is amended to read:

447.02 (2) (d) The oral systemic premedications and subgingival sustained release chemotherapeutic agents that may be administered by a dental hygienist ~~licensed under this chapter~~ under s. 447.06 (2) (e) 1. and 3.

SECTION 29. 447.02 (2) (e) of the statutes is amended to read:

447.02 (2) (e) The educational requirements for administration of local anesthesia by a dental hygienist ~~licensed under this chapter~~ under s. 447.06 (2) (e) 2.

SECTION 30. 447.02 (2) (j) of the statutes is amended to read:

447.02 (2) (j) The educational requirements for a dental hygienist ~~licensed under this chapter~~ to administer nitrous oxide inhalation analgesia under s. 447.06 (2) (e) 4.

SECTION 31. 447.02 (4) of the statutes is amended to read:

447.02 (4) In the course of investigating a violation of this ~~chapter~~ subchapter, the examining board may require, by order or subpoena, that a person who manages or controls a business that offers dental or dental hygiene services, including management or control of a business through which the person allows another person to offer dental or dental hygiene services, produce patient health care records, as defined in s. 146.81 (4).

SECTION 32. 447.02 (5) of the statutes is amended to read:

447.02 (5) Except as provided in ss. 447.058 and 447.063, nothing in this ~~chapter subchapter~~ may be construed as authorizing the examining board to regulate business or administrative support functions or services, that do not constitute the practice of dentistry or dental hygiene, provided to a business that provides dental or dental hygiene services.

SECTION 33. 447.03 (1) (intro.) of the statutes is amended to read:

447.03 (1) DENTISTS. (intro.) Except as provided under sub. (3) and ss. 257.03 and 447.02 (3), no person may do any of the following unless he or she is licensed to practice dentistry under this ~~chapter subchapter~~ or holds a compact privilege to practice dentistry:

SECTION 34. 447.03 (2) (intro.) of the statutes is amended to read:

447.03 (2) DENTAL HYGIENISTS. (intro.) Except as provided under sub. (3) and s. 447.02 (3), no person may do any of the following unless he or she is licensed to practice dental hygiene under this ~~chapter subchapter~~ or holds a compact privilege to practice dental hygiene:

SECTION 35. 447.03 (3) (intro.) of the statutes is amended to read:

447.03 (3) EXCEPTIONS. (intro.) No license or certificate under this ~~chapter subchapter~~ is required for any of the following:

SECTION 36. 447.04 (1) (bm) of the statutes is created to read:

447.04 (1) (bm) The examining board shall grant a compact privilege to practice dentistry to an individual who does all of the following:

1. Submits an application for the compact privilege to the department on a form provided by the department.
2. Pays the applicable fee specified in s. 447.51 (2).
3. Passes an examination administered by the examining board on the statutes and rules relating to dentistry.
4. Satisfies all other applicable requirements under s. 447.50 (4).

SECTION 37. 447.04 (2) (bm) of the statutes is created to read:

447.04 (2) (bm) The examining board shall grant a compact privilege to practice dental hygiene to an individual who does all of the following:

1. Submits an application for the compact privilege to the department on a form provided by the department.
2. Pays the applicable fee specified in s. 447.51 (2).
3. Passes an examination administered by the examining board on the statutes and rules relating to dental hygiene.
4. Satisfies all other applicable requirements under s. 447.50 (4).

SECTION 38. 447.06 (1) of the statutes is amended to read:

447.06 (1) No contract of employment entered into between a dentist and any other party under which the dentist renders dental services may require the dentist to

act in a manner which ~~that~~ violates the professional standards for dentistry set forth in this ~~chapter subchapter~~. Nothing in this subsection limits the ability of the other party to control the operation of the dental practice in a manner in accordance with the professional standards for dentistry set forth in this ~~chapter subchapter~~.

SECTION 39. 447.06 (2) (b) of the statutes is amended to read:

447.06 (2) (b) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. only as authorized by a dentist ~~who is licensed to practice dentistry under this chapter~~ and who is present in the facility in which those practices or procedures are performed, except as provided in par. (c).

SECTION 40. 447.06 (2) (c) (intro.) of the statutes is amended to read:

447.06 (2) (c) (intro.) A dental hygienist may practice dental hygiene or perform remediable procedures under par. (a) 1. if a dentist ~~who is licensed to practice dentistry under this chapter~~ is not present in the facility in which those practices or procedures are performed only if all of the following conditions are met:

SECTION 41. 447.06 (2) (e) (intro.) of the statutes is amended to read:

447.06 (2) (e) (intro.) Pursuant to a treatment plan approved by a dentist ~~who is licensed under this chapter~~, a dental hygienist ~~licensed under this chapter~~ may administer the following upon delegation by the dentist if the dentist remains on the premises in which the practices are performed and is available to the patient throughout the completion of the appointment:

SECTION 42. 447.065 (1) (intro.) of the statutes is amended to read:

447.065 (1) (intro.) A dentist ~~who is licensed to practice dentistry under this chapter~~ may delegate to an individual who is not licensed under this ~~chapter subchapter~~ only the performance of remediable procedures, and only if all of the following conditions are met:

SECTION 43. 447.065 (2) of the statutes is amended to read:

447.065 (2) Subject to the requirements under s. 447.06 (2), a dentist ~~who is licensed to practice dentistry under this chapter~~ may delegate to a dental hygienist ~~who is licensed to practice dental hygiene under this chapter~~ the performance of remediable procedures and the administration of oral systemic premedications, local anesthesia, nitrous oxide inhalation analgesia, and subgingival sustained release chemotherapeutic agents.

SECTION 44. 447.07 (3) (intro.) of the statutes is amended to read:

447.07 (3) (intro.) Subject to the rules promulgated under s. 440.03 (1), the examining board may make investigations and conduct hearings in regard to any alleged action of any dentist, dental hygienist, or expanded function dental auxiliary, of a mobile dentistry program registrant, or of any other person it has reason to

believe is engaged in or has engaged in the practice of dentistry or dental hygiene, or the operation of a mobile dentistry program, in this state, and may, on its own motion, or upon complaint in writing, reprimand any dentist, dental hygienist, or expanded function dental auxiliary who is licensed or certified under this ~~chapter subchapter~~ or who holds a compact privilege, or any mobile dentistry program registrant, or deny, limit, suspend, or revoke his or her license or certificate, or compact privilege, or the registration of the mobile dentistry program registrant, if it finds that the dentist, dental hygienist, expanded function dental auxiliary, or mobile dentistry program registrant has done any of the following:

SECTION 45. 447.07 (3) (f) of the statutes is amended to read:

447.07 (3) (f) Violated this ~~chapter subchapter~~ or any federal or state statute or rule that relates to the practice of dentistry, dental hygiene, or an expanded function dental auxiliary, or the operation of a mobile dentistry program.

SECTION 46. 447.07 (3) (j) of the statutes is amended to read:

447.07 (3) (j) Employed, directly or indirectly, any unlicensed or uncertified person to perform any act requiring licensure or certification under this ~~chapter subchapter~~.

SECTION 47. 447.09 of the statutes is amended to read:

447.09 Penalties. Any person who violates this ~~chapter subchapter~~ may be fined not more than \$1,000 or imprisoned for not more than one year in the county jail or both for the first offense and is guilty of a Class I felony for the 2nd or subsequent conviction within 5 years.

SECTION 48. 447.10 of the statutes is amended to read:

447.10 Injunction. If it appears upon the complaint of any person to the examining board, or it is believed by the examining board that any person is violating this ~~chapter subchapter~~, the examining board, or the district attorney of the proper county, may investigate such alleged violation, and may, in addition to or in lieu of any other remedies provided by law, bring action in the name and on behalf of the state against any such person to enjoin such violation. Between meetings of the examining board, its president and secretary, acting in its behalf, are empowered jointly to make such an investigation, and on the basis thereof to seek such relief. Investigations conducted by the examining board, or by its president and secretary, shall be conducted according to rules promulgated under s. 440.03 (1).

SECTION 49. 447.12 (1) of the statutes is amended to read:

447.12 (1) The dentists of any county who are licensed to practice dentistry under this ~~chapter subchapter~~, provided there are at least 5 in the county, may

organize a county dental society as a component of the Wisconsin Dental Association. When so organized it shall be a body corporate, and shall be designated as the dental society of the county, and shall have the general powers of a corporation and may take by purchase or gift and hold real and personal property. County dental societies now existing are continued with the powers and privileges conferred by this ~~chapter subchapter~~. A county or district dental society that was in existence but unincorporated on September 29, 1963, is not required to incorporate unless that is the express wish of the majority of its members.

SECTION 50. Subchapter II of chapter 447 [precedes 447.50] of the statutes is created to read:

CHAPTER 447
SUBCHAPTER II
DENTIST AND DENTAL
HYGIENIST COMPACT

447.50 Dentist and dental hygienist compact. (1)

TITLE AND PURPOSE. This statute shall be known and cited as the dentist and dental hygienist compact. 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. The compact does this by establishing a pathway for a dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists, through the state's authority to regulate the practice of dentistry and dental hygiene in the state. The compact:

(a) Enables dentists and dental hygienists who qualify for a compact privilege to practice in other participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states;

(b) Promotes mobility and addresses workforce shortages through each participating state's acceptance of a compact privilege to practice in that state;

(c) Increases public access to qualified, licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states.

(d) Enhances the ability of participating states to protect the public's health and safety;

(e) Does not interfere with licensure requirements established by a participating state;

(f) Facilitates the sharing of licensure and disciplinary information among participating states;

(g) Requires dentists and dental hygienists who practice in a participating state pursuant to a compact privi-

lege to practice within the scope of practice authorized in that state;

(h) Extends the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege;

(i) Promotes the cooperation of participating state in regulating the practice of dentistry and dental hygiene within those states;

(j) Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene;

(2) DEFINITIONS. AS used in this compact, unless the context requires otherwise, the following definitions shall apply:

(a) “Active military member” means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(b) “Adverse action” means disciplinary action or encumbrance imposed on a license or compact privilege by a state licensing authority.

(c) “Alternative program” means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

(d) “Clinical assessment” means examination or process, required for licensure as a dentist or dental hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

(e) “Commissioner” means the individual appointed by a participating state to serve as the member of the commission for that participating state.

(f) “Compact” means this dentist and dental hygienist compact.

(g) “Compact privilege” means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state.

(h) “Continuing professional development” means a requirement, as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

(i) “Criminal background check” means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant’s criminal history record information, as defined in 28 CFR 20.3 (d), from the federal bureau of investigation and the state’s criminal history record repository, as defined in 28 CFR. 20.3 (f).

(j) “Data system” means the commission’s repository of information about licensees, including but not limited

to examination, licensure, investigative, compact privilege, adverse action, and alternative program.

(k) “Dental hygienist” means an individual who is licensed by a state licensing authority to practice dental hygiene.

(L) “Dentist” means an individual who is licensed by a state licensing authority to practice dentistry.

(m) “Dentist and dental hygienist compact commission” or “commission” means a joint government agency established by this compact comprised of each state that has enacted the compact and a national administrative body comprised of a commissioner from each state that has enacted the compact.

(n) “Encumbered license” means a license that a state licensing authority has limited in any way other than through an alternative program.

(o) “Executive board” means the chair, vice chair, secretary and treasurer and any other commissioners as may be determined by commission rule or bylaw.

(p) “Jurisprudence requirement” means the assessment of an individual’s knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

(q) “License” means current authorization by a state, other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice as a dentist or dental hygienist in that state.

(r) “Licensee” means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.

(s) “Model compact” means the model for the dentist and dental hygienist compact on file with the council of state governments or other entity as designated by the commission.

(t) “Participating state” means a state that has enacted the compact and been admitted to the commission in accordance with the provisions herein and commission rules.

(u) “Qualifying license” means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.

(v) “Remote state” means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

(w) “Rule” means a regulation promulgated by an entity that has the force of law.

(x) “Scope of practice” means the procedures, actions, and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes avail-

able to the state licensing authority or other government agency.

(y) “Significant investigative information” means information, records, and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue adverse action against the licensee.

(z) “State” means any state, commonwealth, district, or territory of the United States that regulates the practices of dentistry and dental hygiene.

(za) “State licensing authority” means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.

(3) STATE PARTICIPATION IN THE COMPACT. (a) In order to join the compact and thereafter continue as a participating state, a state must:

1. Enact a compact that is not materially different from the model compact as determined in accordance with commission rules;

2. Participate fully in the commission’s data system;

3. Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants;

4. Notify the commission, in compliance with the terms of the compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee and license applicant;

5. Fully implement a criminal background check requirement, within a time frame established by commission rule, by receiving the results of a qualifying criminal background check;

6. Comply with the commission rules applicable to a participating state;

7. Accept the national board examinations of the Joint Commission on National Dental Examinations or another examination accepted by commission rule as a licensure examination;

8. Accept for licensure that applicants for a dentist license graduate 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 (D.D.S.) or doctor of dental medicine (D.M.D.) degree;

9. Accept for licensure that applicants for a dental hygienist license graduate 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;

10. Require for licensure that applicants successfully complete a clinical assessment;

11. Have continuing professional development requirements as a condition for license renewal; and

12. Pay a participation fee to the commission as established by commission rule.

(b) Providing alternative pathways for an individual to obtain an unrestricted license does not disqualify a state from participating in the compact.

(c) When conducting a criminal background check the state licensing authority shall:

1. Consider that information in making a licensure decision;

2. Maintain documentation of completion of the criminal background check and background check information to the extent allowed by state and federal law; and

3. Report to the commission whether it has completed the criminal background check and whether the individual was granted or denied a license.

(d) 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, shall be issued a compact privilege in a remote state in accordance with the terms of the compact and commission rules. 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.

(4) COMPACT PRIVILEGE. (a) To obtain and exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

1. Have a qualifying license as a dentist or dental hygienist in a participating state;

2. Be eligible for a compact privilege in any remote state in accordance with pars. (d), (g), and (h);

3. Submit to an application process whenever the licensee is seeking a compact privilege;

4. Pay any applicable commission and remote state fees for a compact privilege in the remote state;

5. Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege;

6. Have passed a national board examination of the Joint Commission on National Dental Examinations or another examination accepted by commission rule;

7. 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 (D.D.S.) or doctor of dental medicine (D.M.D.) degree;

8. For a dental hygienist, have graduated from a dental hygiene education program accredited by the Com-

mission 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;

9. Have successfully completed a clinical assessment for licensure;

10. Report to the commission adverse action taken by any non-participating state when applying for a compact privilege and, otherwise, within thirty (30) days from the date the adverse action is taken;

11. 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

12. 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.

(b) The licensee must comply with the requirements of par. (a) to maintain the compact privilege in the remote state. 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) 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.

(d) A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority. 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 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) If a license in a participating state is an encumbered license, the licensee shall lose the compact privilege in a remote state and shall not be eligible for a compact privilege in any remote state until the license is no longer encumbered.

(f) Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of par. (a) to obtain a compact privilege in a remote state.

(g) If a licensee's compact privilege in a remote state is 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 removed has ended; and

2. All conditions for removal of the compact privilege have been satisfied.

(h) Once the requirements of par. (g) have been met, the licensee must meet the requirements in par. (a) to obtain a compact privilege in a remote state.

(5) ACTIVE MILITARY MEMBER OR THEIR SPOUSES. An active military member and their spouse shall not be required to pay to the commission for a compact privilege the fee otherwise charged by the commission. 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 an active military member and their spouse for a compact privilege.

(6) ADVERSE ACTIONS. (a) A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by that participating state.

(b) A participating state may 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) Nothing in this compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must 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) Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may 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) A remote state shall have the authority to:

1. Take adverse actions as set forth in sub. (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 pro-

duction of evidence. 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, shall 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. The issuing authority shall 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. In addition to the authority granted to a participating state by its dentist or dental hygienist licensure act or other applicable state law, a participating state may jointly investigate licensees with other participating states.

2. Participating states shall 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. After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state.

2. If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as required by sub. (8) (b) 6. as if it was significant investigative information.

(7) ESTABLISHMENT AND OPERATION OF THE COMMISSION. (a) The compact participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the compact. The commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in sub. (11) (a).

(b) *Participation, voting, and meetings.* 1. Each participating state shall 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. The commissioner shall be a member or designee of such authority or authorities.

3. The commission may by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

4. The commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner.

5. A participating state's state licensing authority, or authorities, as applicable, shall fill any vacancy of its commissioner on the commission within sixty (60) days of the vacancy.

6. Each commissioner shall be entitled to one vote on all matters that are voted upon by the commission.

7. The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The commission shall have the following powers:

1. Establish the fiscal year of the commission;

2. Establish a code of conduct and conflict of interest policies;

3. Adopt rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this compact, the commission's rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a participating state as the authenticated business records of the commission, and designate a person to do so on the commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a participating state;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. As set forth in the commission rules, charge a fee to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. Nothing herein shall be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, which may be composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Elect a chair, vice chair, secretary and treasurer and such other officers of the commission as provided in the commission's bylaws;

21. Establish and elect an executive board;

22. Adopt and provide to the participating states an annual report;

23. Determine whether a state's enacted compact is materially different from the model compact language such that the state would not qualify for participation in the compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) *Meetings of the commission.* 1. All meetings of the commission that are not closed pursuant to this paragraph shall be open to the public. Notice of public meetings shall be posted on the commission's website at least thirty (30) days prior to the public meeting.

2. Notwithstanding subd. 1., the commission may 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 may dispense with notice of proposed rule making under sub. (9) (L). The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all commission meetings shall 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 shall include the mechanism for access to the meeting through such means.

4. The commission may convene in a closed, non-public meeting for the commission to receive legal advice or to discuss:

a. Noncompliance of a participating state with its obligations under the compact;

b. The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

c. Current or threatened discipline of a licensee or compact privilege holder by the commission or by a participating state's licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

k. Legal advice;

L. Matters specifically exempted from disclosure to the public by federal or participating state law; and

m. Other matters as promulgated by the commission by rule.

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

6. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall 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. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a compact privi-

lege is granted, to cover the cost of the operations and activities of the commission and its staff, which must 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. The aggregate annual assessment amount for participating states shall be allocated based upon a formula that the commission shall promulgate by rule.

4. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any participating state, except by and with the authority of the participating state.

5. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(f) *The executive board.* 1. The executive board shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties, and responsibilities of the executive board shall include:

a. Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules and bylaws;

b. Recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact participating states, fees charged to licensees, and other fees;

c. Ensuring compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the commission;

f. Monitoring compact compliance of participating states and providing compliance reports to the commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

i. Other duties as provided in the rules or bylaws of the commission.

2. The executive board shall be composed of up to seven (7) members:

a. The chair, vice chair, secretary and treasurer of the commission and any other members of the commission who serve on the executive board shall be voting members of the executive board; and

b. Other than the chair, vice chair, secretary, and treasurer, the commission may elect up to three (3) voting members from the current membership of the commission.

3. The commission may remove any member of the executive board as provided in the commission's bylaws.

4. The executive board shall meet at least annually.

a. An executive board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the executive board may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under par. (d) 4.

b. The executive board shall give five (5) business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the executive board intends to address at those meetings.

5. The executive board may hold an emergency meeting when acting for the commission to:

a. Meet an imminent threat to public health, safety, or welfare;

b. Prevent a loss of commission or participating state funds; or

c. Protect public health and safety.

(g) *Qualified immunity, defense, and indemnification.* 1. The members, officers, executive director, employees and representatives of the commission shall 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 in this subdivision shall 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. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

2. The commission shall 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 shall 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. Notwithstanding subd. 1., 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, the commission shall 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. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

5. Nothing in this compact shall 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. Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission.

(8) DATA SYSTEM. (a) The commission shall 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) Notwithstanding any other provision of state law to the contrary, a participating state shall 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. Nonconfidential 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) 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, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating state.

(d) Significant investigative information pertaining to a licensee in any participating state will only be available to other participating states.

(e) 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. Adverse action information pertaining to a licensee or license applicant in any participating state will be available to any other participating state.

(f) Participating states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(g) 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 shall be removed from the data system.

(9) RULE MAKING. (a) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A commission rule shall 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 rule-making 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) The rules of the commission shall 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 shall be ineffective in that state to the extent of the conflict.

(c) The commission shall exercise its rule-making powers pursuant to the criteria set forth in this subsection and the rules adopted thereunder. Rules shall become binding as of the date specified by the commission for each rule.

(d) 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 shall have no further force and effect in any participating state or to any state applying to participate in the compact.

(e) Rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

(g) 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, the commission shall provide a notice of proposed rule making:

1. On the website of the commission or other publicly accessible platform;
2. To persons who have requested notice of the commission's notices of proposed rule making, and
3. In such other way(s) as the commission may by rule specify.

(h) The notice of proposed rule making shall include:

1. The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;
2. If the hearing is held via telecommunication, video conference, or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rule making;
3. The text of the proposed rule and the reason therefor;
4. A request for comments on the proposed rule from any interested person; and
5. The manner in which interested persons may submit written comments.

(i) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

(j) Nothing in this subsection shall be construed as requiring a separate hearing on each commission rule. Rules may be grouped for the convenience of the commission at hearings required by this subsection.

(k) The commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rule-making record.

1. The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

2. The commission shall 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. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in par. (L), the effective date of the rule shall be no sooner than thirty (30) days after the commission issuing the notice that it adopted or amended the rule.

(L) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rule-making procedures provided in the compact and in this subsection shall 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. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of commission or participating state funds;
3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or
4. Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(n) No participating state's rule-making requirements shall apply under this compact.

(10) OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT. (a) *Oversight.* 1. The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

2. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall

affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

3. The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or commission rule and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact, or promulgated rules.

(b) *Default, technical assistance, and termination.*

1. 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, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

2. The commission shall provide a copy of the notice of default to the other participating states.

(c) If a state in default fails to cure the default, the defaulting state may 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 may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of participation in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall 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) 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) Upon the termination of a state's participation in this compact, that state shall 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. The terminated state shall 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) The commission shall not bear any costs related to a state that is found to be in default or that has been ter-

minated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(h) The defaulting state may 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. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(i) *Dispute resolution.* 1. Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating states and non-participating states.

2. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) *Enforcement.* 1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

2. By majority vote, the commission may initiate legal action against a participating state in default 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. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting participating state's law.

3. A participating state may 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. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

4. No individual or entity other than a participating state may enforce this compact against the commission.

(11) EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT.

(a) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh participating state.

1. On or after the effective date of the compact, the commission shall 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. A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in sub. (10).

b. If any participating state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be less than seven (7).

2. Participating states enacting the compact subsequent to the charter participating states shall be subject to the process set forth in sub. (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. 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 shall be considered to be actions of the commission unless specifically repudiated by the commission.

4. Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the commission's rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(b) Any participating state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

1. A participating state's withdrawal shall not take effect until one hundred eighty (180) days after enactment of the repealing statute.

2. Withdrawal shall not affect 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. Upon the enactment of a statute withdrawing from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall 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) Nothing contained in this compact shall be 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) This compact may be amended by the participating states. No amendment to this compact shall become

effective and binding upon any participating state until it is enacted into the laws of all participating states.

(12) CONSTRUCTION AND SEVERABILITY. (a) This compact and the commission's rule-making authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rule-making authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding par. (b), the commission may deny a state's participation in the compact or, in accordance with the requirements of sub. (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. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the compact shall 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.

(13) CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS. (a) Nothing herein shall prevent or inhibit the enforcement of any other law of a participating state that is not inconsistent with the compact.

(b) 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) All permissible agreements between the commission and the participating states are binding in accordance with their terms.

447.51 Implementation of the dentist and dental hygienist compact. (1) In this section, "compact privilege" has the meaning given in s. 447.50 (2) (g).

(2) The department may impose a fee for an individual to receive a compact privilege as provided in s. 447.50 (4) (a) 4.

(3) (a) An individual who is exercising the compact privilege in this state shall comply with s. 440.03 (13) (am).

(b) Subject to s. 447.50 and any rules promulgated thereunder, ss. 440.20 to 440.22 and the rules promulgated under s. 440.03 (1) shall apply to an individual who is exercising the compact privilege in this state in the

same manner that they apply to holders of licenses issued under subch. I.

SECTION 51. 448.956 (4) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

448.956 (4) If a licensee determines that a patient's medical condition is beyond the scope of practice of the licensee, the licensee shall, in accordance with the protocol established under sub. (1) (a), refer the patient to a health care practitioner who is licensed under ch. 446 or 447 or subch. II, III or IV of ch. 448; or who holds a compact privilege under subch. II of ch. 447 or subch. XI of ch. 448 and who can provide appropriate treatment to the patient.

SECTION 52. 450.10 (3) (a) 4. of the statutes is amended to read:

450.10 (3) (a) 4. A dentist who is licensed under subch. I of ch. 447 or who holds a compact privilege under subch. II of ch. 447.

SECTION 53. 451.02 (1) of the statutes, as affected by 2021 Wisconsin Act 251, is amended to read:

451.02 (1) An individual holding a license, permit or certificate under ch. 441, 446, 447, 448, or 449 or a compact privilege under subch. II of ch. 447 or subch. XI or XII of ch. 448 who engages in a practice of acupuncture that is also included within the scope of his or her license, permit, certificate, or privilege.

SECTION 54. 462.02 (2) (d) of the statutes is amended to read:

462.02 (2) (d) A dentist licensed under s. 447.04 (1), a dental hygienist licensed under s. 447.04 (2), a person certified as an expanded function dental auxiliary under s. 447.04 (3), a dentist or dental hygienist who holds a compact privilege under subch. II of ch. 447, or a person under the direct supervision of a dentist.

SECTION 55. 462.04 of the statutes, as affected by 2023 Wisconsin Act 81, is amended to read:

462.04 Prescription or order required. A person who holds a license or limited X-ray machine operator permit under this chapter may not use diagnostic X-ray equipment on humans for diagnostic purposes unless authorized to do so by prescription or order of a physician licensed under s. 448.04 (1) (a), a naturopathic doctor licensed under s. 466.04 (1), a dentist who is licensed under s. 447.04 (1) or who holds a compact privilege under subch. II of ch. 447, a podiatrist licensed under s. 448.63, a chiropractor licensed under s. 446.02, an advanced practice nurse certified under s. 441.16 (2), a physician assistant who is licensed under s. 448.974 or who holds a compact privilege under subch. XIII of ch.

448, or, subject to s. 448.56 (7) (a), a physical therapist who is licensed under s. 448.53 or who holds a compact privilege under subch. XI of ch. 448.

SECTION 56. 463.10 (5) of the statutes is amended to read:

463.10 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1)~~ or to a physician who tattoos or offers to tattoo a person in the course of the dentist's or physician's professional practice.

SECTION 57. 463.12 (5) of the statutes is amended to read:

463.12 (5) EXCEPTION. Subsections (2) to (4m) do not apply to a dentist ~~who is licensed under s. 447.03 (1)~~ or to a physician who pierces the body of or offers to pierce the body of a person in the course of the dentist's or physician's professional practice.

SECTION 58. 895.48 (1m) (a) (intro.) of the statutes, as affected by 2023 Wisconsin Act 81, is amended to read:

895.48 (1m) (a) (intro.) Except as provided in par. (b), any physician, podiatrist, or athletic trainer licensed under ch. 448, physician assistant who is licensed under subch. IX of ch. 448 or who holds a compact privilege under subch. XIII of ch. 448, naturopathic doctor licensed under ch. 466, chiropractor licensed under ch. 446, dentist who is licensed under subch. I of ch. 447 or who holds a compact privilege under subch. II of ch. 447, emergency medical services practitioner licensed under s. 256.15, emergency medical responder certified under s. 256.15 (8), registered nurse licensed under ch. 441, massage therapist or bodywork therapist licensed under ch. 460, or naturopathic doctor licensed under ch. 466 who renders voluntary health care to a participant in an athletic event or contest sponsored by a nonprofit corporation, as defined in s. 66.0129 (6) (b), a private school, as defined in s. 115.001 (3r), a tribal school, as defined in s. 115.001 (15m), a public agency, as defined in s. 46.856 (1) (b), or a school, as defined in s. 609.655 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that care if all of the following conditions exist:

SECTION 59. 990.01 (6m) of the statutes is created to read:

990.01 (6m) DENTIST. "Dentist" means a person who is licensed as a dentist under subch. I of ch. 447 or who holds a dentist compact privilege under subch. II of ch. 447.