

§18437. Adverse actions

1. Participating state authority. A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

[PL 2023, c. 664, §1 (NEW).]

2. Adverse action based on remote state findings. A participating state may take adverse action based on the significant investigative information of a remote state as long as the participating state follows its own procedures for taking the adverse action.

[PL 2023, c. 664, §1 (NEW).]

3. Alternative program in lieu of adverse action. Nothing in this compact overrides 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.

[PL 2023, c. 664, §1 (NEW).]

4. Investigation by participating state. 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.

[PL 2023, c. 664, §1 (NEW).]

5. Remote state authority. A remote state has the authority, in accordance with existing state due process law, to:

A. Take adverse action against a licensee's compact privilege within that state; [PL 2023, c. 664, §1 (NEW).]

B. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state must 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 in which the witnesses or evidence are located; and [PL 2023, c. 664, §1 (NEW).]

C. Recover from the licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee. [PL 2023, c. 664, §1 (NEW).]

[PL 2023, c. 664, §1 (NEW).]

6. Joint investigations. In addition to the authority granted to a participating state by its respective state dentist or dental hygienist licensure act or other applicable state law, any participating state may jointly investigate with other participating states. Participating states shall share any significant investigative information or litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

[PL 2023, c. 664, §1 (NEW).]

7. Continuation of investigation. 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. 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 if it was significant investigative information.

[PL 2023, c. 664, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 664, §1 (NEW).

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