

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 14

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO LICENSURE; ENACTING THE DENTIST AND DENTAL
HYGIENIST COMPACT; AMENDING THE DENTAL HEALTH CARE ACT TO
PROVIDE FOR STATE AND FEDERAL CRIMINAL HISTORY BACKGROUND
CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1 and 2
of this act may be cited as the "Dentist and Dental Hygienist
Compact".

SECTION 2. [NEW MATERIAL] DENTIST AND DENTAL HYGIENIST
COMPACT ENTERED INTO.--The "Dentist and Dental Hygienist
Compact" is entered into law and entered into with all other
jurisdictions legally joining therein in a form substantially
as follows:

"DENTIST AND DENTAL HYGIENIST COMPACT

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ARTICLE 1 - Definitions

As used in the Dentist and Dental Hygienist 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 non-disciplinary 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, including programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action;

D. "clinical assessment" means an examination or a 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 the Dentist and Dental Hygienist

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1 Compact;

2 G. "compact privilege" means the authorization
3 granted by a remote state to allow a licensee from a
4 participating state to practice as a dentist or dental
5 hygienist in a remote state;

6 H. "continuing professional development" means a
7 requirement as a condition of license renewal to provide
8 evidence of successful participation in educational or
9 professional activities relevant to practice or area of work;

10 I. "criminal background check" means the submission
11 of fingerprints or other biometric-based information for a
12 license applicant for the purpose of obtaining that applicant's
13 criminal history record information, as defined in 28 C.F.R.
14 Section 20.3(d), from the federal bureau of investigation and
15 the state's criminal history record repository as defined in 28
16 C.F.R. Section 20.3;

17 J. "data system" means the commission's repository
18 of information about licensees, including examination,
19 licensure, investigative, compact privilege, adverse action and
20 alternative program;

21 K. "dental hygienist" means an individual who is
22 licensed by a state licensing authority to practice dental
23 hygiene;

24 L. "dentist" means an individual who is licensed by
25 a state licensing authority to practice dentistry;

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1 M. "dentist and dental hygienist compact
2 commission" or "commission" means a joint government agency
3 established by this compact comprised of each state that has
4 enacted the compact and a national administrative body
5 comprised of a commissioner from each state that has enacted
6 the compact;

7 N. "encumbered license" means a license that a
8 state licensing authority has limited in any way other than
9 through an alternative program;

10 O. "executive board" means the chair, vice chair,
11 secretary and treasurer and any other commissioners as may be
12 determined by commission rule or bylaw;

13 P. "jurisprudence requirement" means the assessment
14 of an individual's knowledge of the laws and rules governing
15 the practice of dentistry or dental hygiene, as applicable, in
16 a state;

17 Q. "license" means current authorization by a
18 state, other than authorization pursuant to a compact
19 privilege, or other privilege, for an individual to practice as
20 a dentist or dental hygienist in that state;

21 R. "licensee" means an individual who holds an
22 unrestricted license from a participating state to practice as
23 a dentist or dental hygienist in that state;

24 S. "model compact" means the model for the dentist
25 and dental hygienist compact on file with the council of state

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1 governments or other entity as designated by the commission;

2 T. "participating state" means a state that has
3 enacted the compact and been admitted to the commission in
4 accordance with the provisions herein and commission rules;

5 U. "qualifying license" means a license that is not
6 an encumbered license issued by a participating state to
7 practice dentistry or dental hygiene;

8 V. "remote state" means a participating state where
9 a licensee who is not licensed as a dentist or dental hygienist
10 is exercising or seeking to exercise the compact privilege;

11 W. "rule" means a regulation promulgated by an
12 entity that has the force of law;

13 X. "scope of practice" means the procedures,
14 actions and processes a dentist or dental hygienist licensed in
15 a state is permitted to undertake in that state and the
16 circumstances under which the licensee is permitted to
17 undertake those procedures, actions and processes, which may be
18 established through means including statute, regulations, case
19 law and other processes available to the state licensing
20 authority or other government agency;

21 Y. "significant investigative information" means
22 information, records and documents received or generated by a
23 state licensing authority pursuant to an investigation for
24 which a determination has been made that there is probable
25 cause to believe that the licensee has violated a statute or

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1 regulation that is considered more than a minor infraction for
2 which the state licensing authority could pursue adverse action
3 against the licensee;

4 Z. "state" means any state, commonwealth, district
5 or territory of the United States of America that regulates the
6 practices of dentistry and dental hygiene; and

7 AA. "state licensing authority" means an agency or
8 other entity of a state that is responsible for the licensing
9 and regulation of dentists or dental hygienists.

10 ARTICLE 2 - State Participation in the Compact

11 A. In order to join the compact and thereafter
12 continue as a participating state, a state shall:

13 (1) enact a compact that is not materially
14 different from the model compact as determined in accordance
15 with commission rules;

16 (2) participate fully in the commission's data
17 system;

18 (3) have a mechanism in place for receiving
19 and investigating complaints about its licensees and license
20 applicants;

21 (4) notify the commission, in compliance with
22 the terms of the compact and commission rules, of any adverse
23 action or the availability of significant investigative
24 information regarding a licensee and license applicant;

25 (5) fully implement a criminal background

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1 check requirement, within a time frame established by
2 commission rule, by receiving the results of a qualifying
3 criminal background check;

4 (6) comply with the commission rules
5 applicable to a participating state;

6 (7) accept the national board examinations of
7 the joint commission on national dental examinations or another
8 examination accepted by commission rule as a licensure
9 examination;

10 (8) accept for licensure that applicants for a
11 dentist license graduate from a predoctoral dental education
12 program accredited by the commission on dental accreditation or
13 another accrediting agency recognized by the United States
14 department of education for the accreditation of dentistry and
15 dental hygiene education programs, leading to the doctor of
16 dental surgery or doctor of dental medicine degree;

17 (9) accept for licensure that applicants for a
18 dental hygienist license graduate from a dental hygiene
19 education program accredited by the commission on dental
20 accreditation or another accrediting agency recognized by the
21 United States department of education for the accreditation of
22 dentistry and dental hygiene education programs;

23 (10) require for licensure that applicants
24 successfully complete a clinical assessment;

25 (11) have continuing professional development

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1 requirements as a condition for license renewal; and

2 (12) pay a participation fee for the
3 commission as established by commission rule.

4 B. Providing alternative pathways for an individual
5 to obtain an unrestricted license does not disqualify a state
6 from participating in the compact.

7 C. When conducting a criminal background check, the
8 state licensing authority shall:

9 (1) consider that information in making a
10 licensure decision;

11 (2) maintain documentation of completion of
12 the criminal background check and background check information
13 to the extent allowed by state and federal law; and

14 (3) report to the commission whether it has
15 completed the criminal background check and whether the
16 individual was granted or denied a license.

17 D. A licensee of a participating state who has a
18 qualifying license in that state and does not hold an encumbered
19 license in any other participating state shall be issued a
20 compact privilege in a remote state in accordance with the terms
21 of the compact and commission rules. If a remote state has a
22 jurisprudence requirement, a compact privilege will not be
23 issued to the licensee unless the licensee has satisfied the
24 jurisprudence requirement.

25 ARTICLE 3 - Compact Privilege

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1 A. To obtain and exercise the compact privilege
2 under the terms and provisions of the compact, the licensee
3 shall:

4 (1) have a qualifying license as a dentist or
5 dental hygienist in a participating state;

6 (2) be eligible for a compact privilege in any
7 remote state in accordance with Subsections D, G and H of this
8 article;

9 (3) submit to an application process whenever
10 the licensee is seeking a compact privilege;

11 (4) pay any applicable commission and remote
12 state fees for a compact privilege in the remote state;

13 (5) meet any jurisprudence requirement
14 established by a remote state in which the licensee is seeking a
15 compact privilege;

16 (6) have passed a national board examination
17 of the joint commission on national dental examinations or
18 another examination accepted by commission rule;

19 (7) for a dentist, have graduated from a
20 predoctoral dental education program accredited by the
21 commission on dental accreditation, or another accrediting
22 agency recognized by the United States department of education
23 for the accreditation of dentistry and dental hygiene education
24 programs, leading to the doctor of dental surgery or doctor of
25 dental medicine degree;

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1 (8) for a dental hygienist, have graduated
2 from a dental hygiene education program accredited by the
3 commission on dental accreditation or another accrediting agency
4 recognized by the United States department of education for the
5 accreditation of dentistry and dental hygiene education
6 programs;

7 (9) have successfully completed a clinical
8 assessment for licensure;

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

13 (11) report to the commission when applying
14 for a compact privilege the address of the licensee's primary
15 residence and thereafter immediately report to the commission
16 any change in the address of the licensee's primary residence;
17 and

18 (12) consent to accept service of process by
19 mail at the licensee's primary residence on record with the
20 commission with respect to any action brought against the
21 licensee by the commission or a participating state and consent
22 to accept service of a subpoena by mail at the licensee's
23 primary residence on record with the commission with respect to
24 any action brought or investigation conducted by the commission
25 or a participating state.

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1 B. The licensee shall comply with the requirements
2 of Subsection A of this article to maintain the compact
3 privilege in the remote state, and if those requirements are
4 met, the compact privilege shall continue as long as the
5 licensee maintains a qualifying license in the state through
6 which the licensee applied for the compact privilege and pays
7 any applicable compact privilege renewal fees.

8 C. A licensee providing dentistry or dental hygiene
9 in a remote state under the compact privilege shall function
10 within the scope of practice authorized by the remote state for
11 a dentist or dental hygienist licensed in that state.

12 D. A licensee providing dentistry or dental hygiene
13 pursuant to a compact privilege in a remote state is subject to
14 that state's regulatory authority. A remote state may, in
15 accordance with due process and that state's laws, by adverse
16 action revoke or remove a licensee's compact privilege in the
17 remote state for a specific period of time and impose fines or
18 take any other necessary actions to protect the health and
19 safety of its citizens. If a remote state imposes an adverse
20 action against a compact privilege that limits the compact
21 privilege, that adverse action applies to all compact privileges
22 in all remote states. A licensee whose compact privilege in a
23 remote state is removed for a specified period of time is not
24 eligible for a compact privilege in any other remote state until
25 the specific time for removal of the compact privilege has

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1 passed and all encumbrance requirements are satisfied.

2 E. If a license in a participating state is an
3 encumbered license, the licensee shall lose the compact
4 privilege in a remote state and shall not be eligible for a
5 compact privilege in any remote state until the license is no
6 longer encumbered.

7 F. Once an encumbered license in a participating
8 state is restored to good standing, the licensee must meet the
9 requirements of Subsection A of this article to obtain a compact
10 privilege in a remote state.

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

15 (1) the specific period of time for which the
16 compact privilege was removed has ended; and

17 (2) all conditions for removal of the compact
18 privilege have been satisfied.

19 H. Once the requirements of Subsection G of this
20 article have been met, the licensee must meet the requirements
21 in Subsection A of this article to obtain a compact privilege in
22 a remote state.

23 ARTICLE 4 - Active Military Member or Military Spouse

24 An active military member and the spouse of an active
25 military member shall not be required to pay to the commission

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1 for a compact privilege the fee otherwise charged by the
2 commission. If a remote state chooses to charge a fee for a
3 compact privilege, it may choose to charge a reduced fee or no
4 fee to an active military member and their spouse for a compact
5 privilege.

6 ARTICLE 5 - Adverse Actions

7 A. A participating state in which a licensee is
8 licensed shall have exclusive authority to impose adverse action
9 against the qualifying license issued by that participating
10 state.

11 B. A participating state may take adverse action
12 based on the significant investigative information of a remote
13 state, so long as the participating state follows its own
14 procedures for imposing adverse action.

15 C. Nothing in this compact shall override a
16 participating state's decision that participation in an
17 alternative program may be used in lieu of adverse action and
18 that such participation shall remain nonpublic if required by
19 the participating state's laws. Participating states must
20 require licensees who enter any alternative program in lieu of
21 discipline to agree not to practice pursuant to a compact
22 privilege in any other participating state during the term of
23 the alternative program without prior authorization from such
24 other participating state.

25 D. Any participating state in which a licensee is

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1 applying to practice or is practicing pursuant to a compact
2 privilege may investigate actual or alleged violations of the
3 statutes and regulations authorizing the practice of dentistry
4 or dental hygiene in any other participating state in which the
5 dentist or dental hygienist holds a license or compact
6 privilege.

7 E. A remote state shall have the authority to take
8 adverse actions as set forth in Subsection D of Article 3 of
9 this compact against a licensee's compact privilege in the
10 state.

11 F. In furtherance of its rights and responsibilities
12 under the compact and the commission's rules, issue subpoenas
13 for both hearings and investigations that require the attendance
14 and testimony of witnesses and the production of evidence.
15 Subpoenas issued by a state licensing authority in a
16 participating state for the attendance and testimony of
17 witnesses, or the production of evidence from another
18 participating state, shall be enforced in the latter state by
19 any court of competent jurisdiction, according to the practice
20 and procedure of that court applicable to subpoenas issued in
21 proceedings pending before it. The issuing authority shall pay
22 any witness fees, travel expenses, mileage and other fees
23 required by the service statutes of the state where the
24 witnesses or evidence are located.

25 G. If otherwise permitted by state law, recover from

1 the licensee the costs of investigations and disposition of
2 cases resulting from any adverse action taken against that
3 licensee.

4 H. The following conditions shall apply to joint
5 investigations:

6 (1) in addition to the authority granted to a
7 participating state by its dentist or dental hygienist licensure
8 act or other applicable state law, a participating state may
9 jointly investigate licensees with other participating states;
10 and

11 (2) participating states shall share any
12 significant investigative information, litigation, or compliance
13 materials in furtherance of any joint or individual
14 investigation initiated under the compact.

15 I. The following conditions shall apply to the
16 authority to continue an investigation:

17 (1) after a licensee's compact privilege in a
18 remote state is terminated, the remote state may continue an
19 investigation of the licensee that began when the licensee had a
20 compact privilege in that remote state; and

21 (2) if the investigation yields what would be
22 significant investigative information had the licensee continued
23 to have a compact privilege in that remote state, the remote
24 state shall report the presence of such information to the data
25 system as required by Paragraph (6) of Subsection B of Article 7

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1 of this compact as if it was significant investigative
2 information.

3 ARTICLE 6 - Establishment and Operation of the Commission

4 A. The compact participating states hereby create
5 and establish a joint government agency whose membership
6 consists of all participating states that have enacted the
7 compact. The commission is an instrumentality of the
8 participating states acting jointly and not an instrumentality
9 of any one state. The commission shall come into existence on
10 or after the effective date of the compact as set forth in
11 Subsection A of Article 10 of this compact.

12 B. The following conditions shall apply to
13 participation, voting and meetings:

14 (1) each participating state shall have and be
15 limited to one commissioner selected by that participating
16 state's state licensing authority or, if the state has more than
17 one state licensing authority, selected collectively by the
18 state licensing authorities;

19 (2) the commissioner shall be a member or
20 designee of such authority or authorities;

21 (3) the commission may by rule or bylaw
22 establish a term of office for commissioners and by rule or
23 bylaw establish term limits;

24 (4) the commission may recommend to a state
25 licensing authority or authorities, as applicable, removal or

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1 suspension of an individual as the state's commissioner;

2 (5) a participating state's state licensing
3 authority or authorities, as applicable, shall fill any vacancy
4 of its commissioner on the commission within sixty days of the
5 vacancy;

6 (6) each commissioner shall be entitled to one
7 vote on all matters that are voted upon by the commission; and

8 (7) the commission shall meet at least once
9 during each calendar year.

10 C. The commission shall have the following powers:

11 (1) establish the fiscal year of the
12 commission;

13 (2) establish a code of conduct and conflict
14 of interest policies;

15 (3) adopt rules and bylaws;

16 (4) maintain its financial records in
17 accordance with the bylaws;

18 (5) meet and take such actions as are
19 consistent with the provisions of this compact, the commission's
20 rules and the bylaws;

21 (6) initiate and conclude legal proceedings or
22 actions in the name of the commission; provided that the
23 standing of any state licensing authority to sue or be sued
24 under applicable law shall not be affected;

25 (7) maintain and certify records and

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1 information provided to a participating state as the
2 authenticated business records of the commission and designate a
3 person to do so on the commission's behalf;

4 (8) purchase and maintain insurance and bonds;

5 (9) borrow, accept or contract for services of
6 personnel, including employees of a participating state;

7 (10) conduct an annual financial review;

8 (11) hire employees, elect or appoint
9 officers, fix compensation, define duties, grant such
10 individuals appropriate authority to carry out the purposes of
11 the compact and establish the commission's personnel policies
12 and programs relating to conflicts of interest, qualifications
13 of personnel and other related personnel matters;

14 (12) as set forth in commission rules, charge
15 a fee to a licensee for the grant of a compact privilege in a
16 remote state, and thereafter, charge the licensee a compact
17 privilege renewal fee for each renewal period in which that
18 licensee exercises or intends to exercise the compact privilege
19 in that remote state; provided that nothing herein shall be
20 construed to prevent a remote state from charging a licensee a
21 fee for a compact privilege or renewals of a compact privilege
22 or a fee for the jurisprudence requirement if the remote state
23 imposes such a requirement for the grant of a compact privilege;

24 (13) accept any and all appropriate gifts,
25 donations, grants of money, other sources of revenue, equipment,

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1 supplies, materials and services; and receive, utilize and
2 dispose of the same; provided that at all times the commission
3 shall avoid any appearance of impropriety or conflict of
4 interest;

5 (14) lease, purchase, retain, own, hold,
6 improve or use any property, real, personal or mixed or any
7 undivided interest therein;

8 (15) sell, convey, mortgage, pledge, lease,
9 exchange, abandon or otherwise dispose of any property, real,
10 personal or mixed;

11 (16) establish a budget and make expenditures;

12 (17) borrow money;

13 (18) appoint committees, including standing
14 committees, which may be composed of members, state regulators,
15 state legislators or their representatives, consumer
16 representatives and such other interested persons as may be
17 designated in this compact and the bylaws;

18 (19) provide and receive information from, and
19 cooperate with, law enforcement agencies;

20 (20) elect a chair, vice chair, secretary and
21 treasurer and such other officers of the commission as provided
22 in the commission's bylaws;

23 (21) establish and elect an executive board;

24 (22) adopt and provide to the participating
25 states an annual report;

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1 (23) determine whether a state's enacted
2 compact is materially different from the model compact language
3 such that the state would not qualify for participation in the
4 compact; and

5 (24) perform such other functions as may be
6 necessary or appropriate to achieve the purposes of this
7 compact.

8 D. The following conditions apply to meetings of the
9 commission:

10 (1) all meetings that are not closed pursuant
11 to this subsection shall be open to the public, and notice of
12 public meetings shall be posted on the commission's website at
13 least thirty days prior to the public meeting;

14 (2) notwithstanding Paragraph (1) of this
15 subsection, the commission may convene an emergency public
16 meeting by providing at least twenty-four hours prior notice on
17 the commission's website or any other means pursuant to the
18 commission's rules; provided that the commission's legal counsel
19 certify the that the emergency public meeting was called for a
20 permissible reason for which it may dispense with notice of
21 proposed rulemaking under Subsection H of Article 8 of this
22 compact;

23 (3) notice of all commission meetings shall
24 provide the time, date and location of the meeting, and if the
25 meeting is to be held or accessible via telecommunication, video

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1 conference or other electronic means, the notice shall include
2 the mechanism for access to the meeting through such means; and

3 (4) a closed, nonpublic meeting may be held
4 for the commission to receive legal advice or to discuss matters
5 including:

6 (a) noncompliance of a participating
7 state with its obligations under the compact;

8 (b) the employment, compensation,
9 discipline or other matters, practices or procedures related to
10 specific employees or other matters related to the commission's
11 internal personnel practices and procedures;

12 (c) current or threatened discipline of a
13 licensee or compact privilege holder by the commission or by a
14 participating state's licensing authority;

15 (d) current, threatened or reasonably
16 anticipated litigation;

17 (e) negotiation of contracts for the
18 purchase, lease or sale of goods, services or real estate;

19 (f) accusations that any person has
20 committed a crime or the formal censure of any person;

21 (g) trade secrets or commercial or
22 financial information that is privileged or confidential;

23 (h) information of a personal nature
24 where disclosure would constitute a clearly unwarranted invasion
25 of personal privacy;

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1 (i) investigative records compiled for
2 law enforcement purposes;

3 (j) information related to any
4 investigative reports prepared by or on behalf of or for use of
5 the commission or other committee charged with responsibility of
6 investigation or determination of compliance issues pursuant to
7 the compact;

8 (k) legal advice;

9 (l) matters specifically exempted from
10 disclosure to the public by federal or participating state law;
11 and

12 (m) other matters as promulgated by the
13 commission by rule.

14 E. If a meeting, or portion of a meeting, is closed,
15 the presiding officer shall state that the meeting will be
16 closed and make reference to each relevant exempting provision,
17 and such reference shall be recorded in the minutes.

18 F. The commission shall keep minutes that fully and
19 clearly describe all matters discussed in a meeting and provide
20 a full and accurate summary of actions taken and the reasons
21 therefore, including a description of the views expressed, and
22 all documents considered in connection with an action shall be
23 identified in such minutes and the minutes and documents of a
24 closed meeting shall remain under seal, subject to release only
25 by a majority vote of the commission or order of a court of

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1 competent jurisdiction.

2 G. The financing of the commission shall be carried
3 out as follows. The commission:

4 (1) shall pay, or provide for the payment of,
5 the reasonable expenses of its establishment, organization and
6 ongoing activities;

7 (2) may accept any and all appropriate sources
8 of revenue, donations and grants of money, equipment, supplies,
9 materials and services;

10 (3) may levy on and collect an annual
11 assessment from each participating state and impose fees on
12 licensees of participating states when a compact privilege is
13 granted, to cover the cost of the operations and activities of
14 the commission and its staff, which must be in a total amount
15 sufficient to cover its annual budget as approved each
16 fiscal year for which sufficient revenue is not provided by
17 other sources with the aggregate annual assessment amount for
18 participating states allocated based upon a formula that the
19 commission shall promulgate by rule;

20 (4) shall not incur obligations of any kind
21 prior to securing the funds adequate to meet the same nor pledge
22 the credit of any participating state, except by and with the
23 authority of the participating state; and

24 (5) shall keep accurate accounts of all
25 receipts and disbursements, subject to the financial review and

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1 accounting procedures established under its bylaws and subject
2 to an annual financial review by a certified or licensed public
3 accountant, the report of which shall be included in the annual
4 report of the commission.

5 H. The executive board shall have the power to act
6 on behalf of the commission according to the terms of this
7 compact. The powers, duties and responsibilities of the
8 executive board shall include:

9 (1) overseeing the day-to-day activities of
10 the administration of the compact, including compliance with the
11 provisions of the compact and the commission's rules and bylaws;

12 (2) recommending to the commission changes to
13 the rules or bylaws, changes to this compact legislation, fees
14 charged to compact participating states, fees charged licensees
15 and other fees;

16 (3) ensuring compact administration services
17 are appropriately provided, including by contract;

18 (4) preparing and recommending the budget;

19 (5) maintaining financial records on behalf of
20 the commission;

21 (6) monitoring compact compliance of
22 participating states and providing compliance reports to the
23 commission;

24 (7) establishing additional committees as
25 necessary;

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1 (8) exercising the powers and duties of the
2 commission during the interim between commission meetings,
3 except for adopting or amending rules, adopting or amending
4 bylaws and exercising any other powers and duties expressly
5 reserved to the commission by rule or bylaw; and

6 (9) other duties as provided in the rules or
7 bylaws of the commission.

8 I. The executive board of the commission shall be
9 composed of up to seven voting members, including:

10 (1) the chair, vice chair, secretary and
11 treasurer; and

12 (2) up to three additional members who may be
13 elected by the commission from the current membership of the
14 commission.

15 J. The executive board of the commission may remove
16 any member of the executive board as provided in the
17 commission's bylaws.

18 K. The executive board of the commission shall meet
19 at least annually and ensure that:

20 (1) meetings at which the executive board of
21 the commission takes or intends to take formal action on a
22 matter be open to the public, except when dealing with any of
23 the matters covered under Paragraph (4) of Subsection D of this
24 article; and

25 (2) five business days' notice of public

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1 meetings are provided, by posting notice on its website and as
2 it may otherwise determine to provide notice to persons with an
3 interest in the public matters the executive board intends to
4 address at those meetings.

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

7 (1) meet an imminent threat to public health,
8 safety or welfare;

9 (2) prevent a loss of commission or
10 participating state funds; or

11 (3) protect public health and safety.

12 M. The members, officers, executive director,
13 employees and representatives of the commission shall be immune
14 from suit and liability, both personally and in their official
15 capacity, for any claim for damage to or loss of property or
16 personal injury or other civil liability caused by or arising
17 out of any actual or alleged act, error or omission that
18 occurred, or that the person against whom the claim is made had
19 a reasonable basis for believing occurred within the scope of
20 commission employment, duties or responsibilities; provided that
21 nothing in this subsection shall be construed to protect any
22 such person from suit or liability for any damage, loss, injury
23 or liability caused by the intentional or willful or wanton
24 misconduct of that person; and provided further that the
25 procurement of insurance of any type by the commission shall not

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1 compromise or limit the immunity granted by this subsection.

2 N. The commission shall defend any member, officer,
3 executive director, employee or representative of the commission
4 in any civil action seeking to impose liability arising out of
5 any actual or alleged act, error or omission that occurred
6 within the scope of commission employment, duties or
7 responsibilities, or as determined by the commission that the
8 person against whom the claim is made had a reasonable basis for
9 believing occurred within the scope of commission employment,
10 duties or responsibilities; provided that nothing herein shall
11 be construed to prohibit that person from retaining that
12 person's own counsel; and provided further that the actual or
13 alleged act, error or omission did not result from that person's
14 intentional or willful or wanton misconduct. The liability of
15 the commission within any member state shall not exceed the
16 limits of liability set forth under the constitution and laws of
17 that state for state officials, employees and agents. The
18 commission is considered to be an instrumentality of the states
19 for the purpose of any such action.

20 O. Notwithstanding the provisions of Subsection M of
21 this article, should any member, officer, executive director,
22 employee or representative of the commission be held liable for
23 the amount of any settlement or judgment arising out of any
24 actual or alleged act, error or omission that occurred within
25 the scope of that individual's employment, duties or

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1 responsibilities for the commission, or that the person to whom
2 that individual is liable had a reasonable basis for believing
3 occurred within the scope of the individual's employment, duties
4 or responsibilities for the commission, the commission shall
5 indemnify and hold harmless such individual; provided that the
6 actual or alleged act, error or omission did not result from the
7 intentional or willful or wanton misconduct of the individual.

8 P. Nothing in this compact shall be:

9 (1) construed as a limitation on the liability
10 of any licensee for professional malpractice or misconduct,
11 which shall be governed solely by any other applicable state
12 laws;

13 (2) interpreted to waive or otherwise abrogate
14 a participating state's state action immunity or state action
15 affirmative defense with respect to antitrust claims under the
16 federal Sherman Act, the federal Clayton Act (Antitrust) or any
17 other state or federal antitrust or anticompetitive law or
18 regulation; and

19 (3) construed to be a waiver of sovereign
20 immunity by the participating states or by the commission.

21 ARTICLE 7 - Data System

22 A. The commission shall provide for the development,
23 maintenance, operation and utilization of a coordinated database
24 and reporting system containing licensure, adverse action and
25 significant investigative information on all licensees and

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1 applicants for a license in participating states.

2 B. Notwithstanding any other provision of state law
3 to the contrary, a participating state shall submit a uniform
4 data set to the data system on all individuals to whom this
5 compact is applicable as required by the rules of the
6 commission, including:

- 7 (1) identifying information;
- 8 (2) licensure data;
- 9 (3) adverse actions against a licensee,
10 license applicant or compact privilege and information related
11 thereto;
- 12 (4) non-confidential information related to
13 alternative program participation, the beginning and ending
14 dates of such participation and other information related to
15 such participation;
- 16 (5) any denial of an application for licensure
17 and the reasons for such denial, excluding the reporting of any
18 criminal history record information where prohibited by law;
- 19 (6) the presence of significant investigative
20 information; and
- 21 (7) other information that may facilitate the
22 administration of this compact or the protection of the public,
23 as determined by the rules of the commission.

24 C. The records and information provided to a
25 participating state pursuant to this compact or through the data

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1 system, when certified by the commission or an agent thereof,
2 shall constitute the authenticated business records of the
3 commission and shall be entitled to any associated hearsay
4 exception in any relevant judicial, quasi-judicial or
5 administrative proceedings in a participating state.

6 D. Significant investigative information pertaining
7 to a licensee in any participating state will only be available
8 to other participating states.

9 E. It is the responsibility of the participating
10 states to monitor the database to determine whether adverse
11 action has been taken against a licensee or license applicant.
12 Adverse action information pertaining to a licensee or license
13 applicant in any participating state will be available to any
14 other participating state.

15 F. Participating states contributing information to
16 the data system may designate information that may not be shared
17 with the public without the express permission of the
18 contributing state.

19 G. Any information submitted to the data system that
20 is subsequently expunged pursuant to federal law or the laws of
21 the participating state contributing the information shall be
22 removed from the data system.

23 H. All information provided to the commission or
24 distributed by member boards shall be confidential, filed under
25 seal and used only for investigatory or disciplinary matters;

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1 provided that information submitted to the New Mexico board of
2 dental health care is subject to the confidentiality and
3 transparency requirements imposed by New Mexico law or court
4 order.

5 ARTICLE 8 - Rulemaking

6 A. The commission shall promulgate reasonable rules
7 in order to effectively and efficiently implement and administer
8 the purposes and provisions of the compact. A commission rule
9 shall be invalid and have no force or effect only if a court of
10 competent jurisdiction holds that the rule is invalid because
11 the commission exercised its rulemaking authority in a manner
12 that is beyond the scope and purposes of the compact, or the
13 powers granted hereunder or based upon another applicable
14 standard of review.

15 B. The rules of the commission shall have the force
16 of law in each participating state; provided, however, that
17 where the rules of the commission conflict with the laws of the
18 participating state that establish the participating state's
19 scope of practice as held by a court of competent jurisdiction,
20 the rules of the commission shall be ineffective in that state
21 to the extent of the conflict.

22 C. The commission shall exercise its rulemaking
23 powers pursuant to the criteria set forth in this article and
24 the rules adopted thereunder. Rules shall become binding as of
25 the date specified by the commission for each rule.

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1 D. If a majority of the legislatures of the
2 participating states rejects a commission rule or portion of a
3 commission rule, by enactment of a statute or resolution in the
4 same manner used to adopt the compact, within four years of the
5 date of adoption of the rule, then such rule shall have no
6 further force and effect in any participating state or to any
7 state applying to participate in the compact.

8 E. Rules shall be adopted at a regular or special
9 meeting of the commission.

10 F. Prior to adoption of a proposed rule, the
11 commission shall hold a public hearing and allow persons to
12 provide oral and written comments, data, facts, opinions and
13 arguments.

14 G. Prior to adoption of a proposed rule by the
15 commission, and at least thirty days in advance of the meeting
16 at which the commission will hold a public hearing on the
17 proposed rule, the commission shall provide a notice of proposed
18 rulemaking:

19 (1) on the website of the commission or other
20 publicly accessible platform;

21 (2) to persons who have requested notice of
22 the commission's notices of proposed rulemaking; and

23 (3) in such other ways as the commission may
24 by rule specify.

25 H. The notice of proposed rulemaking shall include:

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underscoring material = new
~~[bracketed material] = delete~~

1 (1) the time, date and location of the public
2 hearing at which the commission will hear public comments on the
3 proposed rule and, if different, the time, date and location of
4 the meeting where the commission will consider and vote on the
5 proposed rule;

6 (2) if the hearing is held via
7 telecommunication, video conference or other electronic means,
8 the commission shall include the mechanism for access to the
9 hearing in the notice of proposed rulemaking;

10 (3) the text of the proposed rule and the
11 reason therefor;

12 (4) a request for comments on the proposed
13 rule from any interested person; and

14 (5) the manner in which interested persons may
15 submit written comments.

16 I. All hearings shall be recorded. A copy of the
17 recording and all written comments and documents received by the
18 commission in response to the proposed rule shall be available
19 to the public.

20 J. Nothing in this article shall be construed as
21 requiring a separate hearing on each commission rule. Rules may
22 be grouped for the convenience of the commission at hearings
23 required by this article.

24 K. The commission shall, by majority vote of all
25 commissioners, take final action on the proposed rule based on

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1 the rulemaking record. The commission:

2 (1) may adopt changes to the proposed rule
3 provided the changes do not enlarge the original purpose of the
4 proposed rule;

5 (2) shall provide an explanation of the
6 reasons for substantive changes made to the proposed rule as
7 well as reasons for substantive changes not made that were
8 recommended by commenters; and

9 (3) shall determine a reasonable effective
10 date for the rule. Except for an emergency as provided in
11 Subsection L of this article, the effective date of the rule
12 shall be no sooner than thirty days after the commission issuing
13 the notice that it adopted or amended the rule.

14 L. Upon determination that an emergency exists, the
15 commission may consider and adopt an emergency rule with twenty-
16 four hours notice, with opportunity to comment; provided that
17 the usual rulemaking procedures provided in the compact and in
18 this article shall be retroactively applied to the rule as soon
19 as reasonably possible, in no event later than ninety days
20 after the effective date of the rule. For the purposes of this
21 provision, an emergency rule is one that must be adopted
22 immediately in order to:

23 (1) meet an imminent threat to public health,
24 safety or welfare;

25 (2) prevent a loss of commission or

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1 participating state funds;

2 (3) meet a deadline for the promulgation of a
3 rule that is established by federal law or rule; or

4 (4) protect public health and safety.

5 M. The commission or an authorized committee of the
6 commission may direct revisions to a previously adopted rule for
7 purposes of correcting typographical errors, errors in format,
8 errors in consistency or grammatical errors. Public notice of
9 any revisions shall be posted on the website of the commission.
10 The revision shall be subject to challenge by any person for a
11 period of thirty days after posting. The revision may be
12 challenged only on grounds that the revision results in a
13 material change to a rule. A challenge shall be made in writing
14 and delivered to the commission prior to the end of the notice
15 period. If no challenge is made, the revision will take effect
16 without further action. If the revision is challenged, the
17 revision may not take effect without the approval of the
18 commission.

19 N. No participating state's rulemaking requirements
20 shall apply under this compact.

21 ARTICLE 9 - Oversight, Dispute Resolution and Enforcement

22 A. The executive and judicial branches of state
23 government in each participating state shall enforce this
24 compact and take all actions necessary and appropriate to
25 implement the compact.

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1 B. Venue is proper and judicial proceedings by or
2 against the commission shall be brought solely and exclusively
3 in a court of competent jurisdiction where the principal office
4 of the commission is located. The commission may waive venue
5 and jurisdictional defenses to the extent it adopts or consents
6 to participate in alternative dispute resolution proceedings.
7 Nothing herein shall affect or limit the selection or propriety
8 of venue in any action against a licensee for professional
9 malpractice, misconduct or any such similar matter.

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

17 D. Default, technical assistance and termination
18 shall be addressed by the commission.

19 E. If the commission determines that a participating
20 state has defaulted in the performance of its obligations or
21 responsibilities under this compact or the promulgated rules,
22 the commission shall provide written notice to the defaulting
23 state. The notice of default shall describe the default, the
24 proposed means of curing the default and any other action that
25 the commission may take and offer training and specific

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1 technical assistance regarding the default.

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

4 G. If a state in default fails to cure the default,
5 the defaulting state may be terminated from the compact upon an
6 affirmative vote of a majority of the commissioners, and all
7 rights, privileges and benefits conferred on that state by this
8 compact may be terminated on the effective date of termination.
9 A cure of the default shall not relieve the offending state of
10 obligations or liabilities incurred during the period of
11 default.

12 H. Termination of participation in the compact shall
13 be imposed only after all other means of securing compliance
14 have been exhausted. Notice of intent to suspend or terminate
15 shall be given by the commission to the governor, the majority
16 and minority leaders of the defaulting state's legislature, the
17 defaulting state's state licensing authority or authorities, as
18 applicable, and each of the participating states' state
19 licensing authority or authorities applicable.

20 I. A state that has been terminated is responsible
21 for all assessments, obligations and liabilities incurred
22 through the effective date of termination, including obligations
23 that extend beyond the effective date of termination.

24 J. Upon the termination of a state's participation
25 in this compact, that state shall immediately provide notice to

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1 all licensees of the state, including licensees of other
2 participating states issued a compact privilege to practice
3 within that state, of such termination. The terminated state
4 shall continue to recognize all compact privileges then in
5 effect in that state for a minimum of one hundred eighty days
6 after the date of said notice of termination.

7 K. The commission shall not bear any costs related
8 to a state that is found to be in default or that has been
9 terminated from the compact, unless agreed upon in writing
10 between the commission and the defaulting state.

11 L. The defaulting state may appeal the action of the
12 commission by petitioning the United States district court for
13 the District of Columbia, a federal court of New Mexico or the
14 federal district where the commission has its principal offices.
15 The prevailing party shall be awarded all costs of such
16 litigation, including reasonable attorney fees.

17 M. Upon request by a participating state, the
18 commission shall attempt to resolve disputes related to the
19 compact that arise among participating states and between
20 participating states and non-participating states. The
21 commission shall promulgate a rule providing for both mediation
22 and binding dispute resolution for disputes as appropriate.

23 N. Enforcement of the compact shall be conducted by
24 the commission. The commission, in the reasonable exercise of
25 its discretion, shall enforce the provisions of this compact and

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1 the commission's rules.

2 O. By majority vote, the commission may initiate
3 legal action against a participating state in default in the
4 United States district court for the District of Columbia, a
5 federal court of New Mexico or the federal district where the
6 commission has its principal offices to enforce compliance with
7 the provisions of the compact and its promulgated rules. The
8 relief sought may include both injunctive relief and damages.
9 In the event judicial enforcement is necessary, the prevailing
10 party shall be awarded all costs of such litigation, including
11 reasonable attorney fees. The remedies herein shall not be the
12 exclusive remedies of the commission. The commission may pursue
13 any other remedies available under federal or the defaulting
14 participating state's law.

15 P. A participating state may initiate legal action
16 against the commission in the United States district court for
17 the District of Columbia, a federal court of New Mexico or the
18 federal district where the commission has its principal offices
19 to enforce compliance with the provisions of the compact and its
20 promulgated rules. The relief sought may include both
21 injunctive relief and damages. In the event judicial
22 enforcement is necessary, the prevailing party shall be awarded
23 all costs of such litigation, including reasonable attorney
24 fees.

25 Q. No individual or entity other than a

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1 participating state may enforce this compact against the
2 commission.

3 ARTICLE 10 - Effective Date, Withdrawal and Amendment

4 A. The compact shall come into effect on the date on
5 which the compact statute is enacted into law in the seventh
6 participating state.

7 B. On or after the effective date of the compact,
8 the commission shall convene and review the enactment of the
9 compact by each of the states that enacted the compact to
10 determine if the statute enacted by each state is materially
11 different than the model compact. If the commission finds the
12 enactment of a participating state is materially different from
13 the model compact, the participating state shall be entitled to
14 the default process set forth in Article 9 of this compact.

15 C. If the commission later determines that a
16 participating state is in default or terminated or withdrew from
17 the compact, the commission shall remain in existence and the
18 compact shall remain in effect, even if the number of
19 participating states should be less than seven.

20 D. Participating states shall be subject to the
21 process set forth in Subsection B of this article to determine
22 if their enactments are materially different from the model
23 compact and whether they qualify for participation in the
24 compact.

25 E. All actions taken for the benefit of the

1 commission or in furtherance of the purposes of the
2 administration of the compact prior to the effective date of the
3 compact or the commission coming into existence shall be
4 considered to be actions of the commission unless specifically
5 repudiated by the commission.

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

13 G. Any participating state may withdraw from this
14 compact by enacting a statute repealing that state's enactment
15 of the compact; however:

16 (1) a participating state's withdrawal shall
17 not take effect until one hundred eighty days after enactment of
18 the repealing statute;

19 (2) withdrawal shall not affect the continuing
20 requirement of the withdrawing state's licensing authority or
21 authorities to comply with the investigative and adverse action
22 reporting requirements of this compact prior to the effective
23 date of withdrawal; and

24 (3) upon the enactment of a statute
25 withdrawing from this compact, the state shall immediately

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1 provide notice of such withdrawal to all licensees within that
2 state, and notwithstanding any subsequent statutory enactment to
3 the contrary, such withdrawing state shall continue to recognize
4 all compact privileges to practice within that state granted
5 pursuant to this compact for a minimum of one hundred
6 eighty days after the date of such notice of withdrawal.

7 H. Nothing contained in this compact shall be
8 construed to invalidate or prevent any licensure agreement or
9 other cooperative arrangement between a participating state and
10 a non-participating state that does not conflict with the
11 provisions of this compact.

12 I. This compact may be amended by the participating
13 states. No amendment to this compact shall become effective and
14 binding upon any participating state until it is enacted into
15 the laws of all participating states.

16 ARTICLE 11 - Construction and Severability

17 A. This compact and the commission's rulemaking
18 authority shall be liberally construed so as to effectuate the
19 purposes and the implementation and administration of the
20 compact. Provisions of the compact expressly authorizing or
21 requiring the promulgation of rules shall not be construed to
22 limit the commission's rulemaking authority solely for those
23 purposes.

24 B. The provisions of this compact shall be
25 severable, and if any phrase, clause, sentence or provision of

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1 this compact is held by a court of competent jurisdiction to be
2 contrary to the constitution of any participating state, a state
3 seeking participation in the compact, or of the United States,
4 or the applicability thereof to any government, agency, person
5 or circumstance is held to be unconstitutional by a court of
6 competent jurisdiction, the validity of the remainder of this
7 compact and the applicability thereof to any other government,
8 agency, person or circumstance shall not be affected thereby.

9 C. Notwithstanding the provisions of Subsection B of
10 this article, the commission may deny a state's participation in
11 the compact or, in accordance with the requirements of
12 Subsection E of Article 9 of this compact, terminate a
13 participating state's participation in the compact, if it
14 determines that a constitutional requirement of a participating
15 state is a material departure from the compact. Otherwise, if
16 this compact shall be held to be contrary to the constitution of
17 any participating state, the compact shall remain in full force
18 and effect as to the remaining participating states and in full
19 force and effect as to the participating state affected as to
20 all severable matters.

21 ARTICLE 12 - Preservation of State Authority

22 A. This compact creates a new pathway for dentist
23 and dental hygienist licensure in this state but does not
24 otherwise change or limit the effect of the Dental Health Care
25 Act.

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1 state, such provision shall be ineffective to the extent of the
 2 conflict with the constitutional provision in question in that
 3 member state."

4 SECTION 3. A new section of the Dental Health Care Act is
 5 enacted to read:

6 "[NEW MATERIAL] PARTICIPATION IN DENTIST AND DENTAL
 7 HYGIENIST COMPACT AS CONDITION OF EMPLOYMENT PROHIBITED.--An
 8 employer shall not require a dentist or dental hygienist
 9 licensed in this state pursuant to the Dental Health Care Act to
 10 seek licensure through the Dentist and Dental Hygienist Compact
 11 as a condition of initial or continued employment as a dentist
 12 or dental hygienist in this state. An employer may require that
 13 a dentist or dental hygienist obtain and maintain a license to
 14 practice dentistry or dental hygiene in multiple states if the
 15 dentist or dental hygienist is free to obtain and maintain the
 16 licenses by any means authorized by the laws of the respective
 17 states."

18 SECTION 4. A new section of the Dental Health Care Act is
 19 enacted to read:

20 "[NEW MATERIAL] DENTIST AND DENTAL HYGIENIST COMPACT
 21 COMMISSION--COMMISSIONER DUTIES.--

22 A. If a meeting, or a portion of a meeting, of the
 23 dentist and dental hygienist compact commission is closed
 24 pursuant to Paragraph (4) of Subsection D of Article 6 of the
 25 Dentist and Dental Hygienist Compact, a commissioner appointed

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1 to represent New Mexico on the commission shall request the
2 commission's legal counsel or designee to certify that the
3 meeting may be closed by citing each provision of that paragraph
4 that is applicable. A commissioner may satisfy this section by
5 making a motion, or voting in the affirmative on a motion, to
6 have the dentist and dental hygienist compact commission's legal
7 counsel or designee certify that the meeting may be closed.

8 B. Any time the dentist and dental hygienist compact
9 commission is voting on what to include in the commission's
10 minutes, a commissioner appointed to represent New Mexico on the
11 commission shall vote to include in the minutes:

12 (1) all actions taken by the commission and
13 the reasons for each action, including a description of the
14 views expressed; and

15 (2) identification of all documents considered
16 by the commission that relate to an action taken by the
17 commission."

18 SECTION 5. A new section of the Dental Health Care Act is
19 enacted to read:

20 "[NEW MATERIAL] BOARD OBLIGATIONS--PUBLIC POSTING.--The
21 board shall post on the board's public website:

22 A. copies of the dentist and dental hygienist
23 compact commission's current bylaws and rules;

24 B. notice of any dentist and dental hygienist
25 compact commission action that may affect the license of a

1 dentist or dental hygienist in this state within thirty days of
2 the commission's action being taken; and

3 C. any minutes or documents of the dentist and
4 dental hygienist compact commission that are released pursuant
5 to a vote of the commission. All minutes and documents of a
6 closed meeting of the dentist and dental hygienist compact
7 commission shall remain under seal, subject to release by a
8 majority vote of the commission or an order of a court of
9 competent jurisdiction."

10 SECTION 6. A new section of the Dental Health Care Act is
11 enacted to read:

12 "[NEW MATERIAL] JOINT INVESTIGATIONS--INVESTIGATIVE
13 SUBPOENAS.--The board may enter into joint investigations with
14 other state dentist or dental hygienist boards pursuant to the
15 Dentist and Dental Hygienist Compact; provided that
16 participation in the joint investigation is governed by a
17 written agreement among the board and the other participating
18 dental boards."

19 SECTION 7. Section 61-5A-10 NMSA 1978 (being Laws 1994,
20 Chapter 55, Section 10, as amended) is amended to read:

21 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND
22 COMMITTEE.--In addition to any other authority provided by law,
23 the board and the committee, when designated, shall:

24 A. enforce and administer the provisions of the
25 Dental Health Care Act and the Dental Amalgam Waste Reduction

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1 Act;

2 B. promulgate in accordance with the State Rules
3 Act, all rules as necessary to:

4 (1) regulate the examination and licensure of
5 dentists and dental therapists and, through the committee,
6 regulate the examination and licensure of dental hygienists;

7 (2) provide for the examination and
8 certification of dental assistants by the board;

9 (3) provide for the regulation of dental
10 technicians by the board;

11 (4) regulate the practice of dentistry, dental
12 therapy and dental assisting and, through the committee,
13 regulate the practice of dental hygiene; and

14 (5) provide for the regulation and licensure
15 of non-dentist owners by the board;

16 C. adopt and use a seal;

17 D. administer oaths to all applicants, witnesses and
18 others appearing before the board or the committee, as
19 appropriate;

20 E. keep an accurate record of all meetings, receipts
21 and disbursements;

22 F. grant, deny, review, suspend and revoke licenses
23 and certificates to practice dentistry, dental therapy, dental
24 assisting and, through the committee, dental hygiene and
25 censure, reprimand, fine and place on probation and stipulation

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1 dentists, dental therapists, dental assistants and, through the
2 committee, dental hygienists, in accordance with the Uniform
3 Licensing Act for any cause stated in the Dental Health Care Act
4 and the Dental Amalgam Waste Reduction Act;

5 G. grant, deny, review, suspend and revoke licenses
6 to own dental practices and censure, reprimand, fine and place
7 on probation and stipulation non-dentist owners, in accordance
8 with the Uniform Licensing Act, for any cause stated in the
9 Dental Health Care Act and the Dental Amalgam Waste Reduction
10 Act;

11 H. maintain records of the name, address, license
12 number and such other demographic data as may serve the needs
13 of the board of licensees, together with a record of license
14 renewals, suspensions, revocations, probations, stipulations,
15 censures, reprimands and fines. The board shall make available
16 composite reports of demographic data but shall limit public
17 access to information regarding individuals to their names,
18 addresses, license numbers and license actions or as required by
19 statute;

20 I. hire and contract for services from persons as
21 necessary to carry out the board's duties;

22 J. establish ad hoc committees whose members shall
23 be appointed by the chair with the advice and consent of the
24 board or committee and shall include at least one member of the
25 board or committee as it deems necessary for carrying on its

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1 business;

2 K. have the authority to pay per diem and mileage to
3 persons who are appointed by the board or the committee to serve
4 on ad hoc committees;

5 L. have the authority to hire or contract with
6 investigators to investigate possible violations of the Dental
7 Health Care Act and the Dental Amalgam Waste Reduction Act;

8 M. have the authority to issue investigative
9 subpoenas prior to the issuance of a notice of contemplated
10 action for the purpose of investigating complaints against
11 dentists, dental therapists, dental assistants and, through the
12 committee, dental hygienists licensed under the Dental Health
13 Care Act and the Dental Amalgam Waste Reduction Act;

14 N. have the authority to sue or be sued and to
15 retain the services of an attorney at law for counsel and
16 representation regarding the carrying out of the board's duties;

17 O. have the authority to create and maintain a
18 formulary, in consultation with the board of pharmacy, of
19 medications that a dental therapist or dental hygienist may
20 prescribe, administer or dispense in accordance with rules the
21 board has promulgated; [~~and~~]

22 P. establish continuing education or continued
23 competency requirements for dentists, dental therapists,
24 certified dental assistants in expanded functions, dental
25 technicians and, through the committee, dental hygienists;

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1 Q. prescribe the procedures, forms and manner of
 2 submitting an applicant's full set of fingerprints for state
 3 and federal criminal history background reports that the board
 4 or committee uses to evaluate the applicant's qualification for
 5 licensure; and

6 R. require an applicant, as a condition of
 7 eligibility for initial licensure or initial privilege to
 8 practice under the Dentist and Dental Hygienist Compact, to
 9 submit a full set of fingerprints to the department of public
 10 safety to obtain state and national criminal history record
 11 information on the applicant. State and national criminal
 12 history record reports are confidential and not public records.
 13 The board and the committee shall not disseminate criminal
 14 history record information across state lines."

15 SECTION 8. [NEW MATERIAL] CONTINGENT REPEAL.--

16 A. Sections 1 through 6 of this 2026 act are
 17 repealed if a state or federal court of New Mexico finds that a
 18 rule or decision of the dentist and dental hygienist compact
 19 commission, or a court order regarding a rule or decision
 20 relating to the Dentist and Dental Hygienist Compact, would
 21 change the scope of practice of a dentist or dental hygienist or
 22 the definition of unprofessional conduct for a dentist or dental
 23 hygienist in a manner that is inconsistent with the Dental
 24 Health Care Act or any other state law relating to the practice
 25 of dentistry or dental hygiene. A person who is or may be

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1 affected by a rule or decision at issue under this subsection
2 shall have standing to seek a determination by the district
3 court.

4 B. The New Mexico board of dental health care shall
5 certify to the director of the legislative council service and
6 the executive director of the New Mexico compilation commission
7 the date on which the action described in Subsection A of this
8 section occurs.

9 C. Repeal of the Dentist and Dental Hygienist
10 Compact pursuant to this section constitutes this state's
11 immediate withdrawal from the Dentist and Dental Hygienist
12 Compact. The New Mexico board of dental health care shall send
13 written notification of withdrawal to the governor of each other
14 state that has enacted the compact.

15 D. The New Mexico board of dental health care, or a
16 member of the legislature, may request in writing that the
17 attorney general review the actions of the dentist and dental
18 hygienist compact commission or a court ruling relating to the
19 enforcement of the Dentist and Dental Hygienist Compact.

20 E. In the event of a repeal pursuant to this
21 section, the provisions of Article 10 of the Dentist and Dental
22 Hygienist Compact shall remain in effect and govern the
23 withdrawal.