



# SPECIAL NEWS BULLETIN

## FALL 2023

### *DENTAL AND DENTAL HYGIENE COMPACTS*

In response to Member questions and comments, CRDTS has assembled information regarding two dental and dental hygiene licensure compacts that are being circulated to help CRDTS Members and non-member dental boards better understand what information is currently publicly available. In addition, CRDTS has identified key questions regarding the compacts that may assist CRDTS Members and non-member dental boards in monitoring the status of the compacts in their states from a patient-centered perspective.

#### Background

##### **What are the compacts and who is promoting them?**

- There are two Dental and Dental Hygiene Compacts being introduced in states around the country:
  - **The Council on State Governments (CSG Compact) in conjunction with the ADA and ADHA.** The CSG has posted information about the CSG Compact on its website: <https://ddhcompact.org/>
  - **The American Association of Dental Boards (AADB Compact) in conjunction with CDCA/WREB/CITA(ADEX).** The AADB has posted information about the AADB Compact on its website: <https://aadbcompact.org/wp-content/uploads/2023/09/AADB-Compact-official-draft-Aug-31-final-version-Clean.pdf>

A review of the Compact information makes clear that each state's laws and/or regulations must permit such Compacts prior to their being used for licensure of dentists and dental hygienists in a particular state. The status of such legislation and regulations varies from state to state.

##### **What are some of the key features of each Compact?**

- **The CSG Compact**
  - Requires seven (7) states to enact the legislation; three (3) states have enacted the Compact legislation. Legislation is pending in four (4) more states.
- **The AADB Compact**
  - Requires five (5) states joining the Compact to become active.
  - A commission will be formed from those five (or more) states **and the commission "shall have the authority to enact bylaws and rules on behalf of the Compact that shall have the force of law in each participating state to carry out the provisions of the Compact."** (*AADB Dental and Dental Hygiene Licensure Compact, Section 3.c.*)
  - The AADB Compact contains the following definitions which appear to restrict the examinations that are permitted for licensure, i.e., only the ADEX examination will be

allowed as a pathway to licensure if a state joins the AADB compact except for those candidates who passed a competitor’s examination prior to January 1, 2024:

“(q) Dental hygienist – means any person **who . . . 2. [h]as successfully passed the American Board of Dental Examiners, (ADEX) licensure exam**; or have been in practice 5 years or more **and has successfully passed a regional or equivalent state administered psychomotor licensure examination prior to January 1, 2024.**” (AADB Dental and Dental Hygiene Licensure Compact, Section 2.(q)(2))

“(s) “Dentist” – means any person **who as successfully passed the American Board of Dental Examiners, (ADEX) licensure exam**; or have been in practice 5 years or more **and has successfully passed a regional or equivalent state administered psychomotor licensure examination prior to January 1, 2024.**” (AADB Dental and Dental Hygiene Licensure Compact, Section 2.(s)(2)).

### **Questions Dental Boards Should Consider Asking**

1. **Have State Dental and Dental Hygiene Licensing Boards had adequate time to review and digest the Compacts’ Proposed Legislation and its impact on the safety and welfare of the public, Dentists, and Dental Hygienists in their States? If Legislation is passed, will State Dental and Dental Hygiene Licensing Boards have sufficient local control to protect the interests of such state’s patients? Has consideration been given to whether a state can easily withdraw from a Compact in the event the Compact’s standards are no longer consistent with the State’s standards designed to protect the public? Would a withdrawal require new legislation repealing authorization to join a Compact?**

- Has the Dental and Dental Hygiene Licensing Board received a copy of the proposed legislation and/or regulations?
- Does the proposed legislation maintain local (state) control regarding licensure, i.e., if a state disagrees with an aspect of a Compact’s licensure rules, does the Board have the power to modify how such rule operates in its home state and can such “exception” to a Compact rule be implemented in an efficient, expedient manner in the best interests of the patient? Would legislation be required for any state exceptions or carve outs to Compact licensure rules?
- Will each state and its Dental and Dental Hygiene Board be able to review and comment on the AADB Compact Commission’s licensure rules that will have the “effect of law” prior to the potential passage of legislation related to the AADB Compact Commission?
- Do the CSG and AADB Compacts’ proposed legislation permit boards to ensure qualified, competent, and ethical professionals are practicing in their state and grant the boards sufficient oversight of such licensees? Are there opportunities for, and has sufficient time been given to, the boards and representatives of the state dentists and dental hygienists to evaluate the Compacts and provide their insight prior to passage of any Compact in their respective states?

It is not clear whether each state’s dental and dental hygienist board is aware that legislation regarding the Compacts is being circulated and/or introduced.

2. **Do the Compacts Duplicate Current Laws Related to Licensure Portability?**

Both Compacts claim to be supporting the mobility of licensed dental and dental hygiene professionals – both claim portability is the driving force. It is important for Boards to consider whether the Compacts duplicate existing portability laws and regulations.

- Most states have licensure through credentialing so is there a need for a Compact?
- In order for a Compact to aid portability, all states will have to be a part of a Compact. A Compact will only aid portability in those states that participate in the Compact. With

competing Compacts, will the Compacts truly aid portability or complicate the matter further?

- Portability issues can be more easily resolved by each state accepting all clinical licensure exams that meet state requirements.

### 3. **Patient Safety: Are Hand-Skills and Psychomotor Examination Components adequately preserved?**

One stipulation under the CSG Compact for obtaining Compact Privilege is the Licensee shall . . . “have successfully completed a Clinical Assessment for licensure.” The CSG Compact further states that “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.”

- Is there a concern that the CSG Compact will allow professionals to practice without mandated hand-skills and psychomotor testing?

For example, if State A currently requires a hand-skills or psychomotor component as part of the licensure examination requirements but is part of the CSG Compact with State B and State B does not require a hands skills or psychomotor component, it appears State A must still grant a licensee Compact Privilege even though such licensee has not passed a hands-skills or psychomotor component. For instance, if a candidate was licensed by passing the DLOSCE, or has been licensed in a state such as Wisconsin that has deemed graduates of Marquette University eligible for licensure based on their diploma alone, then it appears all Compact states must accept the licensee as qualified to practice in their state despite not having passed a hand-skills or psychomotor component.

- Does the Dental and Dental Hygiene Board have any concern about this possibility if the state joins a Compact?

### 4. **Are potential conflict of interest issues accurately and transparently shared with the State Dental Boards and has there been sufficient time to evaluate the impact of any potential conflicts of interest?**

**The current Acting Executive Director of the AADB is also the current National Director of Licensure Acceptance and Portability with CDCA/WREB/CITA who exclusively administers the ADEX Examination. The AADB Compact prohibits the use of any examination except the ADEX Examination other than for licensees who took an alternative examination prior to January 1, 2024.**

- Is the Compact an attempt by private interests to squeeze out the competition, i.e., other credible and reliable testing examination agencies, by limiting the pathway to licensure to one specific examination despite the existence of other nationally-accepted examinations that are portable, credible, and reliable?
- If there is a financially driven interest to squeeze out the competition through a particular Compact, how will that impact the Dental Boards’ ability to protect the public and regulate quality of licensure examinations?
- Are patients’ and dental and dental hygienist professionals’ interests best protected by the state through a process that reduces the pathways to licensure?
- Would such limitations decrease the availability of qualified dentists and dental hygienists?

For your convenience and education, CRDTS is attaching copies of the latest draft of each Compact that is publicly available. If you are aware of a more recent draft, please let us know so we can update the information.

CRDTS continues its mission of providing a pathway to licensure for dentists and dental hygienists through CRDTS’ nationally-accepted examination that is portable, credible, and reliable.