

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB83

Hearing Date: Thursday January 30, 2025
Committee On: Health and Human Services
Introducer: Rountree
One Liner: Adopt the Dentist and Dental Hygienist Compact

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 7 Senators Ballard, Fredrickson, Hansen, Hardin, Meyer, Quick, Riepe
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Victor Rountree
Amy Behnke
Jessica Meeske
Joey Enright
Luke Andreasen
Amir Farhangpour, DDS

Representing:

Opening Presenter
Health Care Association of Nebraska
Nebraska Dental Association
Nebraska Dental Hygienists Association
self
UNMC College of Dentistry

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

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LB 83 proposes the adoption of the Dentist and Dental Hygienist Compact, allowing Nebraska to become a member state once at least seven states enact the Compact. Upon implementation, dentists and dental hygienists would be eligible for a multistate license, permitting practice in all Participating States. The bill also amends statutory language to require all professions mandated to undergo a criminal background check to complete the process as part of their application.

Sections 1 through 1.13 are new in their entirety.

Section 1: This section establishes and formally adopts the Dentist and Dental Hygienist Compact, incorporating its provisions into Nebraska law.



Section 1.1: Title and Purposes.

The Dentist and Dental Hygienist Compact facilitates interstate practice by allowing licensed dentists and dental hygienists to obtain a Compact Privilege to practice in Participating States without additional licensing requirements, while ensuring public health and safety, promoting workforce mobility, enhancing licensure information sharing, and supporting military families.

Section 1.2: Definitions.

The Compact provides definitions for: Active Military Member, Adverse Action, Alternative Program, Clinical Assessment, Commissioner, Compact, Compact Privilege, Continuing Professional Development, Criminal Background Check, Data System, Dental Hygienist, Dentist, Dentist and Dental Hygienist Compact Commission (Commission), Encumbered License, Executive Board, Jurisprudence Requirement, License, Licensee, Model Compact, Participating State, Qualifying License, Remote State, Rule, Scope of Practice, Significant Investigative Information, State, and State Licensing Authority.

Section 1.3: State Participation in the Compact.

To join and maintain participation in the Dentist and Dental Hygienist Compact, a State must enact a substantially similar compact, fully engage with the Commission's Data System, establish a complaint and investigation mechanism, report disciplinary actions, implement criminal background checks, comply with Commission rules, accept accredited licensure qualifications and examinations, require clinical assessments and continuing professional development, and pay participation fees, while ensuring that licensing decisions consider background checks and granting Compact Privileges only to licensees meeting all requirements.

Section 1.4: Compact Privilege.

To obtain and maintain a Compact Privilege under the Dentist and Dental Hygienist Compact, a licensee must hold a Qualifying License in a Participating State, meet application and examination requirements, comply with jurisprudence and background check mandates, report any disciplinary actions and address changes, and accept service of process, while their practice in a Remote State remains subject to that state's regulatory authority, with privileges subject to suspension or revocation if disciplinary actions, encumbrances, or other disqualifying conditions arise.

Section 1.5: Active Military Members and Their Spouses.

Active military members and their spouses are exempt from Commission fees for a compact privilege, and a remote State may choose to reduce or waive its own fees for them.

Section 1.6: Adverse Actions.

A Participating State has exclusive authority to impose adverse action against a licensee's qualifying license, may take action based on significant investigative information from another state, and may require alternative program participants to refrain from compact privilege practice without approval; Remote States may investigate violations, issue subpoenas, recover investigation costs, and take adverse action against compact privileges, while Participating States may conduct joint investigations and continue inquiries even after a compact privilege is terminated.

Section 1.7: Establishment and Operation of the Commission.

The Compact establishes a joint government agency, the Commission, composed of representatives from Participating States to oversee the administration, regulation, and enforcement of the compact's provisions, with authority to promulgate rules, manage finances, conduct investigations, impose fees, hold public and closed meetings, and take legal action; the Commission also maintains an Executive Board for operational management, ensures financial accountability, provides indemnification for its members, and upholds State sovereignty and immunity protections.

Section 1.8: Data System.



The Commission shall establish and maintain a centralized data system for Participating States to share licensure, adverse actions, and significant investigative information regarding licensees and applicants, with data submission requirements, protections for confidential information, compliance obligations for states, and provisions for expungement in accordance with federal and state law.

Section 1.9: Rulemaking.

The Commission has the authority to promulgate and enforce rules necessary to implement and administer the Compact, with such rules having the force of law in all Participating States unless found invalid by a court or conflicting with a state's scope of practice laws, while providing a structured rulemaking process that includes public notice, hearings, opportunities for comment, legislative override provisions, emergency rule procedures, and a mechanism for correcting errors without requiring adherence to individual Participating State rulemaking requirements.

Section 1.10: Oversight, Dispute Resolution, and Enforcement.

The executive and judicial branches of each Participating State must enforce the Compact, with disputes and enforcement actions handled exclusively in federal courts where the Commission's principal office is located, while the Commission has the authority to address state defaults, impose termination after due process, mediate disputes, and take legal action to enforce compliance, with prevailing parties in litigation entitled to recover costs and attorney's fees.

Section 1.11: Effective Date, Withdrawal, and Amendment.

The Compact takes effect when enacted by the seventh Participating State, remains in force regardless of changes in state participation, applies existing Commission rules to new members, allows states to withdraw with 180 days' notice while maintaining reporting obligations and Compact privileges during the transition, permits non-conflicting licensure agreements with non-Participating States, and requires unanimous enactment by all Participating States for any amendments to become binding.

Section 1.12: Construction and Severability.

The Compact and the Commission's rulemaking authority shall be liberally construed to fulfill its purposes, its provisions shall be severable to preserve validity if any part is deemed unconstitutional, and the Commission may deny or terminate a state's participation if its constitutional requirements materially conflict with the Compact, while the Compact remains binding on all other Participating States.

Section 1.13: Consistent Effect and Conflict with Other State Laws.

The Compact does not prevent enforcement of any consistent state law, supersedes conflicting state laws to the extent of the conflict, and ensures that all permissible agreements between the Commission and Participating States are binding.

Section 2: The sole change in this section adds Dental Hygienists to the list of professions approved to apply for an initial license.

Applicants for initial licensure in various healthcare professions to undergo a criminal background check, including fingerprinting and a national history record check conducted by the Nebraska State Patrol and the FBI, with applicants responsible for associated costs; exceptions apply for certain temporary or locum tenens permits, and failure to complete the background check within a specified timeframe may result in permit suspension or revocation.

Section 3: 38-1101 to 38-1152 and section 4 of this act shall be known and may be cited as the Dentistry Practice Act.

Section 4: An individual holding a compact privilege under the Dentist and Dental Hygienist Compact is authorized to practice dentistry or dental hygiene in Nebraska in accordance with the terms and scope of the compact.



Section 5: Operative Date – January 1, 2026.

Section 6: Repealer.

Brian Hardin, Chairperson

