

Dentist and Dental Hygienist Compact; HB 2453

HB 2453 enacts the Dentist and Dental Hygienist Compact (Compact) to provide interstate practice privileges for dentists and dental hygienists. The bill contains uniform language and enacts the Compact in Kansas. The Compact will come into effect on the date on which the Compact statute is enacted into law in the seventh participating state. [Note: As of July 1, 2024, nine states have enacted the Compact: Colorado, Iowa, Kansas, Maine, Minnesota, Tennessee, Virginia, Washington, and Wisconsin. Legislation is pending in three states.]

Purpose

The purposes of the Compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services. The Compact establishes a pathway for dentists and dental hygienists licensed in a participating state to obtain privilege to practice in other participating states where they are not licensed, while states are able to protect public health and safety through the State's authority to regulate the practice of dentistry and dental hygiene. By facilitating the sharing of licensure and disciplinary information, the Compact promotes cooperation among participating states. The Compact also facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

Definitions

The Compact defines various terms used throughout the Compact, including the following:

- “Compact privilege,” defined as the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state; and
- “Dentist and Dental Hygienist Compact Commission” (Commission), defined as a joint government agency established by the Compact composed of each state that has enacted the Compact and a national administrative body composed of a commissioner from each state that has enacted the Compact.

State Participation in the Compact

In order to join the Compact and continue as a participating state, a state is required to enact a Compact that is not materially different from the model compact as determined in accordance with Commission rules. A state must also participate fully in the Commission's data system, fully implement background checks for applicants, and have a mechanism in place for receiving and investigating complaints about its licensees and license applicants, among other requirements. Applicants seeking Compact privilege must meet education, assessment, and licensure requirements, and participating states must have continuing professional development requirements as a condition for license renewal. Providing alternative pathways for an individual to receive an unrestricted license does not disqualify a state from participating in the Compact.

Compact Privilege Requirements

The Compact requires a licensee to do the following in order to obtain and exercise the Compact privilege:

- Have a qualifying license as a dentist or dental hygienist in a participating state;
- Be eligible for Compact privilege in any remote state in accordance with the Compact;
- Submit to an application process whenever the licensee is seeking a Compact privilege;
- Pay any applicable Commission and remote-state fees for a Compact privilege in the remote state;
- Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a Compact privilege;
- Have passed a national board examination of the Joint Commission on National Dental Examinations or another examination accepted by Commission rule;
- For a dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the DDS or DMD degree;
- For a dental hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs;
- Have successfully completed a clinical assessment for licensure;

- Report to the Commission any adverse action taken by any non-participating state when applying for a Compact privilege and, otherwise, within 30 days after the date the adverse action is taken;
- Report to the Commission, when applying for a Compact privilege, the address of the licensee's primary residence and thereafter immediately report to the Commission any change in address of the licensee's primary residence; and
- Consent to accept service of process by mail at the licensee's primary residence on record with the Commission with respect to any action brought against the licensee by the Commission or a participating state and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the Commission with respect to any action brought on investigation conducted by the Commission or a participating state.

Compact Privilege

Licensees are required to comply with the requirements of the Compact to maintain Compact privilege in the remote state. If those requirements are met, the Compact privilege continues if the licensee maintains a qualifying license in the state through which the licensee applied for the Compact privilege and pays any applicable Compact privilege renewal fees.

A licensee providing dentistry or dental hygiene in a remote state under the Compact privilege is required to function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state.

A licensee providing dentistry or dental hygiene pursuant to a Compact privilege in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's Compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a Compact privilege that limits the Compact privilege, that adverse action applies to all Compact privileges in all remote states.

If a license in a participating state is an encumbered license, the licensee loses the Compact privilege in a remote state and is not eligible for a Compact privilege in any remote state until the license is unencumbered.

Active Military Member or Their Spouse

An active military member and their spouse are not required to pay the fee charged by the Commission for a Compact privilege. If a remote state chooses to charge a fee for a Compact privilege, it may charge a reduced fee or no fee to an active military member and their spouse for a Compact privilege.

Adverse Actions

A participating state in which a licensee is licensed has exclusive authority to impose adverse action against the qualifying license issued by that participating state. A participating state may take adverse action based on the significant investigative information of a remote state, if the participating state follows its own procedures for imposing adverse action.

Nothing in the Compact overrides a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that participation remains non-public 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 the other 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.

A remote state has the authority to take adverse actions as set forth in the Compact against a licensee's compact privilege in the state, issue subpoenas for hearings and investigations, and, if otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

A participating state may jointly investigate licensees with other participating states. Participating states must share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

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.

Establishment and Operation of the Commission

Under the Compact, participating states create and establish a joint government agency whose membership consists of all participating states that have enacted the Compact. The Commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The Commission will come into existence on or after the effective date of Compact.

Each participating state may have and be limited to one commissioner selected by that state's licensing authority or, if the state has more one state licensing authority, selected collectively by the state licensing authorities. Each commissioner will be entitled to one vote on all matters voted upon by the Commission.

The Commission will, by rule or bylaw, establish a term of office for commissioners and could establish term limits. The Commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner. A

participating state's state licensing authority or authorities, as applicable, must fill any vacancy of its commissioner on the Commission within 60 days after the vacancy.

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

Commission Powers

Among its powers, the Commission will be able to establish a code of conduct and conflict of interest policies, adopt rules and bylaws, meet and take actions consistent with the provisions of the Compact and the Commission's rules and bylaws, initiate and conclude legal proceedings or actions in the name of the Commission, establish a budget and make expenditures, and perform other functions as may be necessary or appropriate to achieve the purposes of the Compact.

Meeting Notice

All meetings of the Commission not closed pursuant to the Compact will be open to the public. Notice of public meetings must be posted on the Commission's website at least 30 days prior to the public meeting and include the time, date, and location of the meeting and, if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice will include the mechanism for access to the meeting through those means.

Notwithstanding the above, the Commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the Commission's website and any other means as provided in the Commission's rules. Emergency meetings are permissible in order to meet an imminent threat to public health, safety, or welfare; prevent a loss of Commission or participating state funds; meet a deadline for the promulgation of a rule that is established by federal law or rule; or protect public health and safety. The Commission's legal counsel must certify that one of the reasons justifying an emergency public meeting has been met.

Closed Meetings

The Commission may convene in a closed, non-public meeting for the Commission to receive legal advice to discuss non-compliance of a participating state with its obligations under the Compact; the employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures; current, threatened, or reasonably anticipated litigation; and negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate, among other matters including those promulgated by the Commission by rule.

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

The Commission is required to keep minutes that fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken and a

description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

Commission Finances

The Commission must pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

The Commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a Compact privilege is granted to cover the cost of the operations and activities of the Commission and its staff, which will be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for participating states will be allocated based upon a formula that the Commission promulgates by rule.

The Commission cannot incur obligations of any kind prior to securing the funds adequate to meet the same nor can the Commission pledge the credit of any participating state except by and with the authority of the participating state.

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

Executive Board

The Executive Board has the power to act on behalf of the Commission according to the terms of the Compact. The powers, duties, and responsibilities of the Executive Board include overseeing the day-to-day activities of the administration of the Compact, including compliance with the provisions of the Compact, the Commission's rules, and bylaws; ensuring Compact administration services are appropriately provided; and preparing and recommending the budget and maintaining financial records on behalf of the Commission, among other duties as provided in the rules and bylaws of the Commission.

Executive Board Membership

The Executive Board will be composed of up to seven members. The chairperson, vice-chairperson, secretary, and treasurer of the Commission and any other members of the Commission who serve on the Executive Board will be voting members of the Executive Board. Other than the chairperson, vice chairperson, secretary, and treasurer, the Commission may elect up to three voting members from the current membership of the Commission.

The Commission may remove any member of the Executive Board as provided in the Commission's bylaws.

Executive Board Meetings

The Executive Board must meet at least annually.

An Executive Board meeting at which it takes or intends to take formal action on a matter must be open to the public, except the Executive Board may meet in a closed, non-public session of a public meeting when dealing with non-compliance of a participating state with its obligations under the Compact; matters related to the Commission's internal personnel practices and procedures; current, threatened, or reasonably anticipated litigation; and negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate, among other matters, including those promulgated by the Commission by rule.

The Executive Board must provide five business days' notice of its public meetings, published on its website and, as it may otherwise determine, to provide notice to persons with an interest in the public matters the Executive Board intends to address at those meetings.

The Executive Board may hold an emergency meeting when acting for the Commission to meet an imminent threat to public health, safety, or welfare; prevent a loss of Commission or participating state funds; or protect public health and safety.

Commission Liability and Protections

The members, officers, executive director, employees, and representatives of the Commission are immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities. Nothing in this section may be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person. The procurement of insurance of any type by the Commission does not in any way compromise or limit this immunity.

The Commission will defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph may be construed to prohibit that person from retaining their own counsel at their own expense, and provided further, the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

Should any member, officer, executive director, employee, or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's

employment, duties, or responsibilities for the Commission, the Commission will indemnify and hold harmless the individual, provided the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of the individual.

Nothing in these provisions regarding liability may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which is governed solely by any other applicable state laws.

Nothing in the Compact may be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anti-competitive law or regulation.

Nothing in the Compact may be construed to be a waiver of sovereign immunity by the participating states or by the Commission.

Data System

The Commission is required to provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information on all licensees and applicants for a license in participating states.

The bill requires, notwithstanding any provision of state law to the contrary, a participating state to submit a uniform data set to the data system on all individuals to whom the Compact is applicable, as required by the rules of the Commission, including identifying information, licensure data, and adverse actions, among other information that may facilitate the administration of the Compact or the protection of the public, as determined by the rules of the Commission.

Records and information provided to a participating state pursuant to the Compact through the data system constitute the authenticated business records of the Commission and are entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a participating state. Significant investigative information pertaining to a licensee in any participating state is only available to other participating states.

Participating states are responsible for monitoring the database to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a license or license applicant in any participating state will be available to any other participating state. Participating states may designate information that may not be shared with the public without the express permission of the contributing state. Any information submitted to the data system and subsequently expunged pursuant to federal law or the laws of the participating state must be removed from the data system.

Rulemaking

The Commission must promulgate reasonable rules in order to effectively and efficiently implement and administer the Compact. A Commission rule would be invalid and have no force

or effect only if a court of competent jurisdiction holds the rule is invalid because the Commission exercised its rulemaking authority in a manner beyond the scope and purposes of the Compact or based on another applicable standard of review.

The rules of the Commission have the force of law in each participating state unless the rules conflict with the laws of the participating state that establish the participating state's scope of practice, as held by a court of competent jurisdiction; the rules of the Commission are ineffective in that state to the extent of the conflict.

The Commission may exercise its rulemaking powers pursuant to the Compact and the rules adopted thereunder. Rules become binding as of the date specified by the Commission for each rule.

If a majority of legislatures of the participating states reject a Commission rule or portion of a Commission rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, within four years of the date of adoption of the rule, then the rule would have no further force and effect in any participating state or to any state applying to participate in the Compact.

Rules will be adopted at regular or special meetings of the Commission. Prior to adoption of a proposed rule, the Commission must hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

Notice of Public Hearing

At least 30 days in advance of the meeting at which the Commission will hold a public hearing on the proposed rule, the Commission must provide a notice of proposed rulemaking on the website of the Commission or other publicly available platform, to persons who have requested notice of the Commission's notices of proposed rulemaking, and in other ways as the Commission may specify by rule.

Notices of proposed rulemaking must include the times, dates, and locations of the meetings at which the Commission will hear public comments, consider, and vote on proposed rules. If a hearing is held via telecommunication, video conference, or other electronic means, the Commission must include the mechanism for access to the hearing in the notice of proposed rulemaking. A notice of proposed rulemaking must also include the text of the proposed rule and the reason for it, a request for comments on the proposed rule, and the manner in which interested persons may submit written comments.

Public Hearings on Rules

All hearings must be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed rule will be available to the public. Nothing in the Compact may be construed as requiring a separate hearing on each Commission rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

The Commission will, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record and may adopt changes to the proposed rule if the changes do not enlarge the original purpose of the proposed rule. The Commission must provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

The Commission must also determine a reasonable effective date for the rule. Except for an emergency, the effective date of the rule may be no sooner than 30 days after the Commission issuing the notice that it adopted or amended the rule.

Emergency Rulemaking

Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, and the usual rulemaking procedures provided in the Compact will be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule must be adopted immediately in order to meet an imminent threat to public health, safety, or welfare; prevent a loss of Commission or participating state funds; meet a deadline for the promulgation of a rule that is established by federal law or rule; or protect public health and safety.

The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule for purposes of non-substantive errors. Public notice of any revisions must be posted on the website of the Commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision could be challenged only on grounds the revision results in a material change to a rule. A challenge must be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision may take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

No participating state's rulemaking requirements apply under the Compact.

Oversight, Dispute Resolution, and Enforcement

The Compact requires the executive and judicial branches of state government in each participating state to enforce the Compact and take all actions necessary and appropriate to implement the Compact.

Defaulting States

If the Commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under the Compact or the promulgated rules, the Commission must provide written notice to the defaulting state. The notice of default must describe the default, the proposed means of curing the default, and any other action the Commission could take and must offer training and specific technical assistance regarding the default. The Commission must provide a copy of the notice of default to the other participating states.

If a state in default fails to cure the default, the defaulting state will be terminated from the Compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges, and benefits conferred on that state by the Compact will be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

Termination of participation in the Compact may be imposed only after all other means of securing compliance are exhausted. Notice of intent to suspend or terminate must be given by the Commission to the governor; the majority and minority leaders of the defaulting state's legislature; the defaulting state's state licensing authority or authorities, as applicable; and each of the participating states' state licensing authority or authorities, as applicable.

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

Upon the termination of a state's participation in the Compact, that state must immediately provide notice to all licensees of the state, including licensees of other participating states issued a Compact privilege to practice within that state of termination. The terminated state must continue to recognize all Compact privileges then in effect in that state for a minimum of 180 days after the date of said notice of termination.

The Commission will not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party will be awarded all costs of litigation, including reasonable attorney fees.

Upon request by a participating state, the Commission must attempt to resolve disputes related to the Compact that arise among participating states and between participating states and non-participating states.

The Compact requires the Commission to promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

By majority vote, the Commission may initiate legal action against a participating state in default in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party will be awarded all costs of litigation, including reasonable attorney fees. The remedies included in this section are not the exclusive remedies of the Commission, and the Commission may pursue any other remedies available under federal or the defaulting participating state's law.

A participating state may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal

offices to enforce compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party will be awarded all costs of litigation, including reasonable attorney fees.

No individual or entity other than a participating state may enforce this Compact against the Commission.

Effective Date, Withdrawal, and Amendment

The Compact will come into effect on the date on which the Compact statute is enacted into law in the seventh participating state.

On or after the effective date of the Compact, the Commission will convene and review the enactment of each of the states that enacted the Compact prior to the Commission convening, the charter participating states, to determine if the statute enacted by each charter participating state is materially different than the model Compact.

A charter participating state whose enactment is found to be materially different from the model Compact is entitled to the default process described in provisions regarding oversight, dispute resolution, and enforcement (Section 10 of the Compact).

If any participating state is later found to be in default, or is terminated or withdraws from the Compact, the Commission will remain in existence, and the Compact will remain in effect even if the number of participating states is fewer than seven.

Participating states enacting the Compact after the charter participating states are subject to evaluation by the Commission to determine if their enactments are materially different from the model Compact and whether they qualify for participation in the Compact.

All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence are actions of the Commission unless specifically repudiated by the Commission.

Any state that joins the Compact after the Commission's initial adoption of the rules and bylaws will be subject to the Commission's rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rules previously adopted by the Commission will have the full force and effect of law on the day the Compact becomes law in that state.

State Withdrawal

Any participating state may withdraw from the Compact by enacting a statute repealing that state's enactment of the Compact. A participating state's withdrawal would not take effect until 180 days after enactment of the repealing statute. Upon the enactment of a statute withdrawing from this Compact, the state must immediately provide notice of withdrawal to all licensees within that state and continue to recognize all Compact privileges to practice for a minimum of 180 days.

Withdrawal does not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

This Compact is amendable by the participating states. No amendment to the Compact may become effective and binding upon any participating state until it is enacted into the laws of all participating states.

Construction and Severability

The Compact and the Commission's rulemaking authority is liberally construed. Provisions of the Compact expressly authorizing or requiring the promulgation of rules are not construed to limit the Commission's rulemaking authority solely for those purposes.

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

The Commission may deny a state's participation in the Compact or terminate a participating state if it determines a constitutional requirement of a participating state is a material departure from the Compact. If the Compact is held to be contrary to the constitution of any participating state, the Compact would remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

Consistent Effect and Conflict with Other State Laws

Nothing within the Compact may prevent or inhibit the enforcement of any other law of a participating state that is not consistent with the Compact. Laws, statutes, regulations, and other legal requirements in a participating state in conflict with the Compact are superseded to the extent of the conflict. Permissible agreements between the Commission and participating states are binding.