



House Professional Licensure Committee

Meeting Agenda

April 27, 2026

11:30 a.m.

G-50 Irvis Office Building

Call to Order

Roll call

HOUSE BILL 1106 (Borowski) – Establishes certification for chiropractic assistants.

- Amendment A03003 (Burns) – Adds a definition of certified chiropractic assistant (CCA), clarifies delegation to a CCA, adds that a licensed chiropractor may be disciplined for failing to properly supervise a CCA, and clarifies requirements for a temporary certificate.

HOUSE BILL 1127 (Mullins) – Authorizes Pennsylvania to join the Dental and Dental Hygienist Compact.

- Amendment A03021 (Mullins) – Changes the effective date from 60 days to one year.

HOUSE BILL 2302 (Takac) – Establishes licensure for water, geothermal, geotechnical and environmental well drillers under the State Board of Crane Operators.

Any other business

Adjournment

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1106 Session of 2025

INTRODUCED BY BOROWSKI, BRENNAN, CERRATO, FREEMAN, GIRAL, HILL-
 EVANS, JAMES, LAWRENCE, MADDEN, MALAGARI, MALONEY, MULLINS,
 O'MARA, PIELLI, SANCHEZ, RADER, SCHMITT, STRUZZI, PICKETT,
 BENNINGHOFF, KAUFFMAN, E. NELSON, GILLEN AND WEBSTER,
 APRIL 3, 2025

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 3, 2025

AN ACT

1 Amending the act of December 16, 1986 (P.L.1646, No.188),
 2 entitled "An act providing for the licensing of chiropractors
 3 and the regulation of the practice of chiropractic;
 4 establishing the State Board of Chiropractic in the
 5 Department of State and providing for its powers and duties;
 6 providing for the supervision of colleges of chiropractic,
 7 for the examination of applicants, for enforcement and for
 8 disciplinary actions; providing penalties; and making
 9 repeals," providing for certified chiropractic assistants; in
 10 supportive personnel, further providing for supportive
 11 personnel; and making an editorial change.

12 The General Assembly of the Commonwealth of Pennsylvania
 13 hereby enacts as follows:

14 Section 1. The act of December 16, 1986 (P.L.1646, No.188),
 15 known as the Chiropractic Practice Act, is amended by adding a
 16 chapter to read:

17 CHAPTER 5-A

18 CERTIFIED CHIROPRACTIC ASSISTANTS

19 Section 501-A. Chiropractic assistant certifications.

20 (a) Eligibility.--To be eligible for certification by the
 21 board as a chiropractic assistant, an applicant shall:

1 (1) be at least 18 years of age unless otherwise
2 determined by the board;
3 (2) possess a high school diploma or its equivalent;
4 (3) prove to the satisfaction of the board that the
5 individual is of good moral character and is not unfit or
6 unable to practice as a chiropractic assistant by reason of
7 physical or mental impairment. In assessing the moral
8 character of an individual with a criminal conviction, the
9 board shall conduct an individualized assessment in
10 accordance with 63 Pa.C.S. § 3113 (relating to consideration
11 of criminal convictions);

12 (4) be a graduate of a nationally recognized
13 chiropractic assistant program approved by the board; and

14 (5) successfully pass an examination approved by the
15 board, subject to rules and regulations established by the
16 board and administered in accordance with section 812.1 of
17 the act of April 9, 1929 (P.L.177, No.175), known as The
18 Administrative Code of 1929. An applicant may not be
19 certified as a certified chiropractic assistant unless the
20 applicant has attained passing scores on the examination
21 under this paragraph as published prior to the administration
22 of the examination.

23 (b) Temporary certification.--Upon the submission of an
24 application for certification as a chiropractic assistant as
25 provided by the board, the board shall issue a temporary
26 certificate to the applicant who meets the requirements under
27 subsection (a) (1) and (4) and is eligible to take the
28 examination under subsection (a) (5). The board shall issue only
29 one temporary certificate under this subsection to an applicant.
30 A temporary certificate under this subsection shall expire upon

1 the applicant's failure of the first examination under
2 subsection (a) (5), or six months after the date of issuance of
3 the temporary certificate, whichever occurs first. Issuance of a
4 temporary certificate under this subsection shall permit the
5 applicant to engage in the practice of chiropractic assistance
6 only while under the direct on-premises supervision of a
7 licensed chiropractor. Upon the expiration of a temporary
8 certificate under this subsection, the applicant shall promptly
9 return the temporary certificate to the board.

10 (c) Second examination.--If an applicant fails the first
11 examination under subsection (a) (5), the applicant for
12 certification, after the expiration of 60 days from the date of
13 the first examination and no later than one year after the first
14 examination, shall have the opportunity to take the examination
15 a second time. The board may adopt regulations governing the
16 eligibility of applicants who have failed to pass two
17 examinations under subsection (a) (5) in order to be admitted to
18 subsequent examinations.

19 (d) Use of title.--Only an individual who has been properly
20 certified as a chiropractic assistant with the board, in
21 accordance with this chapter and the rules and regulations
22 promulgated by the board, shall assist a licensed chiropractor
23 as a certified chiropractic assistant and use the title
24 "certified chiropractic assistant" and the abbreviation "CCA."

25 (e) Actions.--The board shall issue, renew, revoke or
26 suspend the certification of a chiropractic assistant in
27 accordance with the rules and regulations promulgated by the
28 board. All actions of the board under this subsection shall be
29 taken subject to the right of notice, hearing and adjudication
30 and the right of appeal in accordance with 2 Pa.C.S. (relating

1 to administrative law and procedure).

2 (f) Reinstatement.--Unless ordered by a court of competent
3 jurisdiction, the board shall not reinstate the certification of
4 an individual to practice as a chiropractic assistant that has
5 been revoked under subsection (e). The individual may apply for
6 certification as a chiropractic assistant after five years have
7 elapsed since the date of revocation in accordance with this
8 chapter.

9 (g) Renewals.--For each certificate renewal, a chiropractic
10 assistant shall complete within the preceding two-year period at
11 least 16 hours of continuing chiropractic education, including
12 eight hours of in-person learning, as approved by the board in
13 accordance with standards and criteria established by the board
14 by rules and regulations. A certified chiropractic assistant
15 shall provide the board with evidence of the completion of the
16 continuing chiropractic education under this subsection. The
17 board's rules and regulations shall remain in effect until such
18 time as the board establishes by regulations, standards and
19 criteria relating to continuing chiropractic education for
20 certified chiropractic assistants.

21 Section 502-A. Performance of chiropractic acts and services.

22 (a) Supervision.--While providing assistance to a licensed
23 chiropractor, a certified chiropractic assistant shall only
24 perform patient-related chiropractic acts and services that are
25 assigned or delegated by and under the direct on-premises
26 supervision of a licensed chiropractor.

27 (b) Scope.--A certified chiropractic assistant may provide,
28 demonstrate, administer or observe therapeutic exercise under
29 the direct on-premises supervision of a licensed chiropractor. A
30 certified chiropractic assistant may not perform evaluations,

1 adjustments, test interpretations, other therapeutic procedures
2 or the planning or modification of a plan of care for a patient.

3 (c) Responsibility.--A licensed chiropractor shall be
4 responsible for the performance of acts and services by a
5 certified chiropractic assistant. In all practice settings, the
6 initial patient contact shall be made by a licensed chiropractor
7 for evaluation of the patient and establishment of a plan of
8 care.

9 (d) Consultation.--A certified chiropractic assistant shall
10 consult with the supervising licensed chiropractor in the event
11 of a change in the patient's condition that may require the
12 assessment of a licensed chiropractor.

13 (e) Limitation.--A licensed chiropractor shall not supervise
14 more than three certified chiropractic assistants at any time.
15 If there is a change of the licensed chiropractor supervising a
16 certified chiropractic assistant, the succeeding licensed
17 chiropractor shall be responsible for the ongoing supervision of
18 the certified chiropractic assistant and shall be considered the
19 supervising licensed chiropractor for the purpose of this
20 section.

21 (f) Definitions.--As used in this section, the term
22 "therapeutic exercise" shall mean a therapeutic procedure of
23 using exercise to develop strength, endurance, range of motion
24 and flexibility.

25 Section 2. Chapter 6 heading and section 601 of the act are
26 amended to read:

27 CHAPTER 6

28 UNLICENSED OR UNCERTIFIED SUPPORTIVE PERSONNEL

29 Section 601. Supportive personnel.

30 (a) Construction.--Nothing in this act shall prohibit a

1 licensed chiropractor from utilizing the assistance of
2 unlicensed or uncertified supportive personnel performing under
3 the direct on-premises supervision of a licensed chiropractor,
4 provided that a chiropractor may not delegate any activity or
5 duty to such unlicensed or uncertified individuals which
6 requires formal education or training in the practice of
7 chiropractic or the knowledge and skill of a licensed
8 chiropractor.

9 (b) Definitions.--As used in this section, the term "direct
10 on-premises supervision" shall mean supervision conducted while
11 being physically present in the office suite or facility, but
12 not necessarily in the same room and immediately available.

13 Section 3. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1106 PN1231	Prepared By:	Kari Orchard (717) 787-6882
Committee:	Professional Licensure	Executive Director:	Kari Orchard
Sponsor:	Borowski, Lisa		
Date:	4/21/2026		

A. Brief Concept

Establishing certification for chiropractic assistants under the State Board of Chiropractic.

C. Analysis of the Bill

House Bill 1106 amends **the Chiropractic Practice Act (Act 188 of 1986)** by adding a chapter establishing chiropractic assistant certification requirements.

Definitions

"Therapeutic exercise" shall mean a therapeutic procedure of using exercise to develop strength, endurance, range of motion and flexibility.

"Direct on-premises supervision" shall mean supervision conducted while being physically present in the office suite or facility, but not necessarily in the same room and immediately available.

Certification Requirements and Title Protection

To be eligible for certification as a chiropractic assistant, an applicant must:

- Be at least 18 years of age and of good moral character
- Possess a high school diploma or its equivalent
- Graduate from a nationally recognized chiropractic assistant program approved by the board
- Pass a certification exam approved by the board

Temporary certification will be issued upon submission of an application for certification provided by the board. The board shall issue only one temporary certificate to an applicant, and it will expire upon the applicant's failure of the first examination or six months after the date of issuance. A temporary certification will permit the applicant to engage in chiropractic assistance under direct supervision.

A certificate must be renewed with the board every two years. Certified chiropractic assistants must complete 16 hours of continuing education that includes at least eight hours of in-person learning each biennial licensure cycle.

Only individuals certified by the board as a certified chiropractic assistant may assist a licensed chiropractor as a certified chiropractic assistant and use that title or the abbreviation "CCA."

Scope and Delegation

A certified chiropractic assistant:

- Shall only perform patient-related chiropractic acts and services that are under the direct on-premises supervision of a licensed chiropractor.
- May provide, demonstrate, or observe therapeutic exercise under supervision.
- May not perform evaluations, adjustments, test interpretations, other therapeutic procedures, or plan/modify a patient's plan of care.

- Must consult with the supervising licensed chiropractor in the event of change in a patient's condition.

A licensed chiropractor may not supervise more than three certified chiropractic assistants at a time. They must provide direct, on-premises supervision at all times.

Nothing in this act shall prohibit a licensed chiropractor from utilizing the assistance of an unlicensed or uncertified supportive personnel performing under direct supervision.

Effective Date:

This act shall take effect in 60 days.

G. Relevant Existing Laws

The Chiropractic Practice Act (Act 188 of 1986) governs the practice of chiropractic care in Pennsylvania. Chiropractors are licensed by the State Board of Chiropractic under the Bureau of Professional and Occupational Affairs within the Department of State.

There are no other professions licensed or certified by that board, and the role of certified chiropractic assistant is not recognized in current law.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

Similar versions of HB 1106 were introduced as House Bill 630 (Lawrence) in the 2023-24 Legislative Session and as HB 2267 (Lawrence) in the 2021-22 Legislative Session. The bills were not considered by the Professional Licensure Committee.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1106

Sponsor: **Burns**

Printer's No. 1231

1 Amend Bill, page 1, line 9, by inserting after "repeals,"
2 in preliminary provisions, further providing for definitions;
3 in licensure and regulation, further providing for refusal,
4 suspension or revocation of license and for reporting of
5 multiple licensure;

6 Amend Bill, page 1, line 11, by inserting after "personnel;"
7 in penalty provisions, further providing for violation of other
8 provisions and for civil penalty;

9 Amend Bill, page 1, lines 14 through 16, by striking out all
10 of said lines and inserting

11 Section 1. Section 102 of the act of December 16, 1986
12 (P.L.1646, No.188), known as the Chiropractic Practice Act, is
13 amended by adding definitions to read:
14 Section 102. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 * * *

19 "Certified chiropractic assistant." An individual who has
20 met all of the requirements of this act and is certified as a
21 chiropractic assistant in accordance with Chapter 5-A.

22 * * *

23 "Direct on-premises supervision." Supervision conducted
24 while being physically present in an office suite or facility,
25 but not necessarily in the same room, and being immediately
26 available.

27 * * *

28 "Therapeutic exercise." A therapeutic procedure of using
29 exercise to develop strength, endurance, range of motion and
30 flexibility.

31 Section 2. Section 506 heading and (a)(1), (3), (7), (8) and
32 (13) of the act are amended and subsection (a) is amended by
33 adding a paragraph to read:

34 Section 506. Refusal, suspension or revocation of license or
35 certificate.

1 (a) Reasons enumerated.--The board may refuse to issue a
2 license or certificate or may suspend or revoke a license or
3 certificate for any of the following reasons:

4 (1) Failing to demonstrate the qualifications or
5 standards for a license or certificate contained in this act
6 or regulations of the board.

7 * * *

8 (3) Practicing fraud or deceit in obtaining a license to
9 practice chiropractic or a certificate to practice as a
10 chiropractic assistant.

11 * * *

12 (7) Having a license to practice chiropractic or a
13 certificate to practice as a chiropractic assistant
14 suspended, revoked or refused or receiving other disciplinary
15 action by the proper chiropractic licensing authority of
16 another state, territory, possession or country.

17 (8) Being unable to practice chiropractic with
18 reasonable skill and safety to patients by reason of illness,
19 drunkenness, excessive use of drugs, narcotics, chemicals or
20 any other type of material, or as a result of any mental or
21 physical condition. In enforcing this paragraph, the board
22 shall, upon probable cause, have authority to compel a
23 chiropractor or certified chiropractic assistant to submit to
24 a mental or physical examination by physicians approved by
25 the board. Failure of a chiropractor or certified
26 chiropractic assistant to submit to such examination when
27 directed by the board, unless such failure is due to
28 circumstances beyond his control, shall constitute an
29 admission of the allegations against him, consequent upon
30 which a default and final order may be entered without the
31 taking of testimony or presentation of evidence. A
32 chiropractor affected under this paragraph shall at
33 reasonable intervals be afforded an opportunity to
34 demonstrate that he can resume a competent practice of
35 chiropractic with reasonable skill and safety to patients. A
36 certified chiropractic assistant affected under this
37 paragraph shall, at reasonable intervals, be afforded an
38 opportunity to demonstrate that he can resume competent
39 practice as a certified chiropractic assistant with
40 reasonable skill and safety to patients.

41 * * *

42 (13) Failing to perform any statutory obligation placed
43 upon a licensed chiropractor or certified chiropractic
44 assistant.

45 * * *

46 (20) In the case of a licensed chiropractor, failing to
47 properly supervise a certified chiropractic assistant in
48 accordance with this act and board regulations.

49 * * *

50 Section 3. Section 523 of the act is amended to read:
51 Section 523. Reporting of multiple licensure or certification.

1 Any licensed chiropractor or certified chiropractic assistant
2 of this Commonwealth who is also licensed to practice
3 chiropractic or certified to practice as a chiropractic
4 assistant in any other state, territory, possession or country
5 shall report this information to the board on the biennial
6 registration application. Any disciplinary action taken in such
7 other jurisdiction shall be reported to the board on the
8 biennial registration application or within [90] 30 days of
9 final disposition, whichever is sooner. Multiple licensure or
10 certification shall be noted by the board on the chiropractor's
11 or certified chiropractic assistant's record and such state,
12 territory, possession or country shall be notified by the board
13 of any disciplinary actions taken against said chiropractor or
14 certified chiropractic assistant in this Commonwealth.

15 Section 4. The act is amended by adding a chapter to read:

16 Amend Bill, page 2, line 27, by inserting after "(a) (1)"
17 , (2), (3)

18 Amend Bill, page 4, line 9, by inserting after "a"
19 certified

20 Amend Bill, page 4, lines 16 through 20, by striking out "
21 The" in line 16 and all of lines 17 through 20

22 Amend Bill, page 4, line 23, by striking out "shall" and
23 inserting

24 may

25 Amend Bill, page 4, line 27, by striking out "Scope" and
26 inserting

27 Delegation

28 Amend Bill, page 4, line 29, by inserting after

29 "chiropractor"

30 as documented in the patient's plan of care developed by the
31 licensed chiropractor

32 Amend Bill, page 5, lines 21 through 24, by striking out all
33 of said lines and inserting

34 Section 503-A. Additional duties of board.

35 (a) Regulations.--

36 (1) The board shall promulgate by regulations the
37 qualifications and requirements for the certification and
38 regulation of certified chiropractic assistants. The
39 regulations shall provide for disciplinary action and the

1 grounds for disciplinary action.

2 (2) The board may not issue temporary certificates until
3 the regulations under paragraph (1) are promulgated.

4 (b) Fees.--The board may establish reasonable fees for
5 certification under this chapter.

6 Amend Bill, page 5, line 25, by striking out "2" and
7 inserting

8 5

9 Amend Bill, page 5, line 25, by striking out "section 601"
10 and inserting

11 sections 601, 702(2), (6) and (9) and 703

12 Amend Bill, page 5, line 30, by striking out "(a)

13 Construction.--"

14 Amend Bill, page 6, lines 9 through 13, by striking out all
15 of said lines and inserting

16 Section 702. Violation of other provisions.

17 A person commits a misdemeanor of the third degree and, upon
18 conviction, shall be sentenced to pay a fine of not more than
19 \$500, or to imprisonment for not more than six months, or both,
20 if he commits any act declared unlawful by any other provision
21 of this act, other than section 701, or if he:

22 * * *

23 (2) Practices fraud or deceit in obtaining a license to
24 practice chiropractic or a certificate to practice as a
25 chiropractic assistant.

26 * * *

27 (6) Knowingly aids, assists, procures or advises any
28 unlicensed or uncertified person to practice chiropractic,
29 contrary to this act or regulations of the board.

30 * * *

31 (9) Fails to perform any statutory obligation placed
32 upon a licensed chiropractor or certified chiropractic
33 assistant.

34 * * *

35 Section 703. Civil penalty.

36 In addition to any other civil remedy or criminal penalty
37 provided for in this act, the board, by a vote of the majority
38 of the maximum number of the authorized membership of the board
39 as provided by law or by a vote of the majority of the duly
40 qualified and confirmed membership or a minimum of four members,
41 whichever is greater, may levy a civil penalty of up to \$1,000
42 on any current licensee or certificate holder who violates any
43 provision of this act or on any person who practices

1 chiropractic or practices as a certified chiropractic assistant
2 without being properly licensed or certified to do so under this
3 act. The board shall levy this penalty only after affording the
4 accused party the opportunity for a hearing, as provided in
5 Title 2 of the Pennsylvania Consolidated Statutes (relating to
6 administrative law and procedure).
7 Section 6. This act shall take effect in 60 days.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1127 Session of
2025

INTRODUCED BY MULLINS, SANCHEZ, HARKINS, KHAN, PIELLI, MARCELL,
McANDREW, HILL-EVANS, GIRAL, DONAHUE, JAMES, FREEMAN,
TWARDZIK, O'MARA, CERRATO AND GREEN, APRIL 3, 2025

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, APRIL 3, 2025

AN ACT

1 Authorizing the Commonwealth of Pennsylvania to join the Dentist
2 and Dental Hygienist Compact; and providing for the form of
3 the compact.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Dentist and
8 Dental Hygienist Compact Act.

9 Section 2. Authority to execute compact.

10 The Governor, on behalf of the Commonwealth, is hereby
11 authorized to execute a compact in substantially the following
12 form with any one or more of the states of the United States,
13 and the General Assembly hereby signifies in advance its
14 approval and ratification of such compact:

15 DENTIST AND DENTAL HYGIENIST COMPACT

16 SECTION 1. TITLE AND PURPOSE

17 This statute shall be known and cited as the Dentist and
18 Dental Hygienist Compact. The purposes of this Compact are to

1 facilitate the interstate practice of dentistry and dental
2 hygiene and improve public access to dentistry and dental
3 hygiene services by providing Dentists and Dental Hygienists
4 licensed in a Participating State the ability to practice in
5 Participating States in which they are not licensed. The Compact
6 does this by establishing a pathway for Dentists and Dental
7 Hygienists licensed in a Participating State to obtain a Compact
8 Privilege that authorizes them to practice in another
9 Participating State in which they are not licensed. The Compact
10 enables Participating States to protect the public health and
11 safety with respect to the practice of such Dentists and Dental
12 Hygienists, through the State's authority to regulate the
13 practice of dentistry and dental hygiene in the State. The
14 Compact:

15 A. Enables Dentists and Dental Hygienists who qualify for a
16 Compact Privilege to practice in other Participating States
17 without satisfying burdensome and duplicative requirements
18 associated with securing a License to practice in those States;

19 B. Promotes mobility and addresses workforce shortages
20 through each Participating State's acceptance of a Compact
21 Privilege to practice in that State;

22 C. Increases public access to qualified, licensed Dentists
23 and Dental Hygienists by creating a responsible, streamlined
24 pathway for Licensees to practice in Participating States.

25 D. Enhances the ability of Participating States to protect
26 the public's health and safety;

27 E. Does not interfere with licensure requirements established
28 by a Participating State;

29 F. Facilitates the sharing of licensure and disciplinary
30 information among Participating States;

1 G. Requires Dentists and Dental Hygienists who practice in a
2 Participating State pursuant to a Compact Privilege to practice
3 within the Scope of Practice authorized in that State;

4 H. Extends the authority of a Participating State to regulate
5 the practice of dentistry and dental hygiene within its borders
6 to Dentists and Dental Hygienists who practice in the State
7 through a Compact Privilege;

8 I. Promotes the cooperation of Participating State in
9 regulating the practice of dentistry and dental hygiene within
10 those States;

11 J. Facilitates the relocation of military members and their
12 spouses who are licensed to practice dentistry or dental
13 hygiene;

14 SECTION 2. DEFINITIONS

15 As used in this Compact, unless the context requires
16 otherwise, the following definitions shall apply:

17 A. "Active Military Member" means any person with full-time
18 duty status in the armed forces of the United States, including
19 members of the National Guard and Reserve.

20 B. "Adverse Action" means disciplinary action or encumbrance
21 imposed on a License or Compact Privilege by a State Licensing
22 Authority.

23 C. "Alternative Program" means a non-disciplinary monitoring
24 or practice remediation process applicable to a Dentist or
25 Dental Hygienist approved by a State Licensing Authority of a
26 Participating State in which the Dentist or Dental Hygienist is
27 licensed. This includes, but is not limited to, programs to
28 which Licensees with substance abuse or addiction issues are
29 referred in lieu of Adverse Action.

30 D. "Clinical Assessment" means examination or process,

1 required for licensure as a Dentist or Dental Hygienist as
2 applicable, that provides evidence of clinical competence in
3 dentistry or dental hygiene.

4 E. "Commissioner" means the individual appointed by a
5 Participating State to serve as the member of the Commission for
6 that Participating State.

7 F. "Compact" means this Dentist and Dental Hygienist Compact.

8 G. "Compact Privilege" means the authorization granted by a
9 Remote State to allow a Licensee from a Participating State to
10 practice as a Dentist or Dental Hygienist in a Remote State.

11 H. "Continuing Professional Development" means a requirement,
12 as a condition of License renewal to provide evidence of
13 successful participation in educational or professional
14 activities relevant to practice or area of work.

15 I. "Criminal Background Check" means the submission of
16 fingerprints or other biometric-based information for a License
17 applicant for the purpose of obtaining that applicant's criminal
18 history record information, as defined in 28 C.F.R. § 20.3(d)
19 from the Federal Bureau of Investigation and the State's
20 criminal history record repository as defined in 28 C.F.R. §
21 20.3(f).

22 J. "Data System" means the Commission's repository of
23 information about Licensees, including but not limited to
24 examination, licensure, investigative, Compact Privilege,
25 Adverse Action, and Alternative Program.

26 K. "Dental Hygienist" means an individual who is licensed by
27 a State Licensing Authority to practice dental hygiene.

28 L. "Dentist" means an individual who is licensed by a State
29 Licensing Authority to practice dentistry.

30 M. "Dentist and Dental Hygienist Compact Commission" or

1 "Commission" means a joint government agency established by this
2 Compact comprised of each State that has enacted the Compact and
3 a national administrative body comprised of a Commissioner from
4 each State that has enacted the Compact.

5 N. "Encumbered License" means a License that a State
6 Licensing Authority has limited in any way other than through an
7 Alternative Program.

8 O. "Executive Board" means the Chair, Vice Chair, Secretary
9 and Treasurer and any other Commissioners as may be determined
10 by Commission Rule or bylaw.

11 P. "Jurisprudence Requirement" means the assessment of an
12 individual's knowledge of the laws and Rules governing the
13 practice of dentistry or dental hygiene, as applicable, in a
14 State.

15 Q. "License" means current authorization by a State, other
16 than authorization pursuant to a Compact Privilege, or other
17 privilege, for an individual to practice as a Dentist or Dental
18 Hygienist in that State.

19 R. "Licensee" means an individual who holds an unrestricted
20 License from a Participating State to practice as a Dentist or
21 Dental Hygienist in that State.

22 S. "Model Compact" the model for the Dentist and Dental
23 Hygienist Compact on file with the Council of State Governments
24 or other entity as designated by the Commission.

25 T. "Participating State" means a State that has enacted the
26 Compact and been admitted to the Commission in accordance with
27 the provisions herein and Commission Rules.

28 U. "Qualifying License" means a License that is not an
29 Encumbered License issued by a Participating State to practice
30 dentistry or dental hygiene.

1 V. "Remote State" means a Participating State where a
2 Licensee who is not licensed as a Dentist or Dental Hygienist is
3 exercising or seeking to exercise the Compact Privilege.

4 W. "Rule" means a regulation promulgated by an entity that
5 has the force of law.

6 X. "Scope of Practice" means the procedures, actions, and
7 processes a Dentist or Dental Hygienist licensed in a State is
8 permitted to undertake in that State and the circumstances under
9 which the Licensee is permitted to undertake those procedures,
10 actions and processes. Such procedures, actions and processes
11 and the circumstances under which they may be undertaken may be
12 established through means, including, but not limited to,
13 statute, regulations, case law, and other processes available to
14 the State Licensing Authority or other government agency.

15 Y. "Significant Investigative Information" means information,
16 records, and documents received or generated by a State
17 Licensing Authority pursuant to an investigation for which a
18 determination has been made that there is probable cause to
19 believe that the Licensee has violated a statute or regulation
20 that is considered more than a minor infraction for which the
21 State Licensing Authority could pursue Adverse Action against
22 the Licensee.

23 Z. "State" means any state, commonwealth, district, or
24 territory of the United States of America that regulates the
25 practices of dentistry and dental hygiene.

26 AA. "State Licensing Authority" means an agency or other
27 entity of a State that is responsible for the licensing and
28 regulation of Dentists or Dental Hygienists.

29 SECTION 3. STATE PARTICIPATION IN THE COMPACT

30 A. In order to join the Compact and thereafter continue as a

1 Participating State, a State must:

2 1. Enact a compact that is not materially different from the
3 Model Compact as determined in accordance with Commission Rules;

4 2. Participate fully in the Commission's Data System;

5 3. Have a mechanism in place for receiving and investigating
6 complaints about its Licensees and License applicants;

7 4. Notify the Commission, in compliance with the terms of the
8 Compact and Commission Rules, of any Adverse Action or the
9 availability of Significant Investigative Information regarding
10 a Licensee and License applicant;

11 5. Fully implement a Criminal Background Check requirement,
12 within a time frame established by Commission Rule, by receiving
13 the results of a qualifying Criminal Background Check;

14 6. Comply with the Commission Rules applicable to a
15 Participating State;

16 7. Accept the National Board Examinations of the Joint
17 Commission on National Dental Examinations or another
18 examination accepted by Commission Rule as a licensure
19 examination;

20 8. Accept for licensure that applicants for a Dentist License
21 graduate from a predoctoral dental education program accredited
22 by the Commission on Dental Accreditation, or another
23 accrediting agency recognized by the United States Department of
24 Education for the accreditation of dentistry and dental hygiene
25 education programs, leading to the Doctor of Dental Surgery
26 (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

27 9. Accept for licensure that applicants for a Dental
28 Hygienist License graduate from a dental hygiene education
29 program accredited by the Commission on Dental Accreditation or
30 another accrediting agency recognized by the United States

1 Department of Education for the accreditation of dentistry and
2 dental hygiene education programs;

3 10. Require for licensure that applicants successfully
4 complete a Clinical Assessment;

5 11. Have Continuing Professional Development requirements as
6 a condition for License renewal; and

7 12. Pay a participation fee to the Commission as established
8 by Commission Rule.

9 B. Providing alternative pathways for an individual to obtain
10 an unrestricted License does not disqualify a State from
11 participating in the Compact.

12 C. When conducting a Criminal Background Check the State
13 Licensing Authority shall:

14 1. Consider that information in making a licensure decision;

15 2. Maintain documentation of completion of the Criminal
16 Background Check and background check information to the extent
17 allowed by State and federal law; and

18 3. Report to the Commission whether it has completed the
19 Criminal Background Check and whether the individual was granted
20 or denied a License.

21 D. A Licensee of a Participating State who has a Qualifying
22 License in that State and does not hold an Encumbered License in
23 any other Participating State, shall be issued a Compact
24 Privilege in a Remote State in accordance with the terms of the
25 Compact and Commission Rules. If a Remote State has a
26 Jurisprudence Requirement a Compact Privilege will not be issued
27 to the Licensee unless the Licensee has satisfied the
28 Jurisprudence Requirement.

29 SECTION 4. COMPACT PRIVILEGE

30 A. To obtain and exercise the Compact Privilege under the

1 terms and provisions of the Compact, the Licensee shall:

2 1. Have a Qualifying License as a Dentist or Dental Hygienist
3 in a Participating State;

4 2. Be eligible for a Compact Privilege in any Remote State in
5 accordance with D, G and H of this section;

6 3. Submit to an application process whenever the Licensee is
7 seeking a Compact Privilege;

8 4. Pay any applicable Commission and Remote State fees for a
9 Compact Privilege in the Remote State;

10 5. Meet any Jurisprudence Requirement established by a Remote
11 State in which the Licensee is seeking a Compact Privilege;

12 6. Have passed a National Board Examination of the Joint
13 Commission on National Dental Examinations or another
14 examination accepted by Commission Rule;

15 7. For a Dentist, have graduated from a predoctoral dental
16 education program accredited by the Commission on Dental
17 Accreditation, or another accrediting agency recognized by the
18 United States Department of Education for the accreditation of
19 dentistry and dental hygiene education programs, leading to the
20 Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine
21 (D.M.D.) degree;

22 8. For a Dental Hygienist, have graduated from a dental
23 hygiene education program accredited by the Commission on Dental
24 Accreditation or another accrediting agency recognized by the
25 United States Department of Education for the accreditation of
26 dentistry and dental hygiene education programs;

27 9. Have successfully completed a Clinical Assessment for
28 licensure;

29 10. Report to the Commission Adverse Action taken by any non-
30 Participating State when applying for a Compact Privilege and,

1 otherwise, within thirty (30) days from the date the Adverse
2 Action is taken;

3 11. Report to the Commission when applying for a Compact
4 Privilege the address of the Licensee's primary residence and
5 thereafter immediately report to the Commission any change in
6 the address of the Licensee's primary residence; and

7 12. Consent to accept service of process by mail at the
8 Licensee's primary residence on record with the Commission with
9 respect to any action brought against the Licensee by the
10 Commission or a Participating State, and consent to accept
11 service of a subpoena by mail at the Licensee's primary
12 residence on record with the Commission with respect to any
13 action brought or investigation conducted by the Commission or a
14 Participating State.

15 B. The Licensee must comply with the requirements of
16 subsection A of this section to maintain the Compact Privilege
17 in the Remote State. If those requirements are met, the Compact
18 Privilege will continue as long as the Licensee maintains a
19 Qualifying License in the State through which the Licensee
20 applied for the Compact Privilege and pays any applicable
21 Compact Privilege renewal fees.

22 C. A Licensee providing dentistry or dental hygiene in a
23 Remote State under the Compact Privilege shall function within
24 the Scope of Practice authorized by the Remote State for a
25 Dentist or Dental Hygienist licensed in that State.

26 D. A Licensee providing dentistry or dental hygiene pursuant
27 to a Compact Privilege in a Remote State is subject to that
28 State's regulatory authority. A Remote State may, in accordance
29 with due process and that State's laws, by Adverse Action revoke
30 or remove a Licensee's Compact Privilege in the Remote State for

1 a specific period of time and impose fines or take any other
2 necessary actions to protect the health and safety of its
3 citizens. If a Remote State imposes an Adverse Action against a
4 Compact Privilege that limits the Compact Privilege, that
5 Adverse Action applies to all Compact Privileges in all Remote
6 States. A Licensee whose Compact Privilege in a Remote State is
7 removed for a specified period of time is not eligible for a
8 Compact Privilege in any other Remote State until the specific
9 time for removal of the Compact Privilege has passed and all
10 encumbrance requirements are satisfied.

11 E. If a License in a Participating State is an Encumbered
12 License, the Licensee shall lose the Compact Privilege in a
13 Remote State and shall not be eligible for a Compact Privilege
14 in any Remote State until the License is no longer encumbered.

15 F. Once an Encumbered License in a Participating State is
16 restored to good standing, the Licensee must meet the
17 requirements of subsection A of this section to obtain a Compact
18 Privilege in a Remote State.

19 G. If a Licensee's Compact Privilege in a Remote State is
20 removed by the Remote State, the individual shall lose or be
21 ineligible for the Compact Privilege in any Remote State until
22 the following occur:

23 1. The specific period of time for which the Compact
24 Privilege was removed has ended; and

25 2. All conditions for removal of the Compact Privilege have
26 been satisfied.

27 H. Once the requirements of subsection G of this section have
28 been met, the Licensee must meet the requirements in subsection
29 A of this section to obtain a Compact Privilege in a Remote
30 State.

1 SECTION 5. ACTIVE MILITARY MEMBER OR THEIR SPOUSES

2 An Active Military Member and their spouse shall not be
3 required to pay to the Commission for a Compact Privilege the
4 fee otherwise charged by the Commission. If a Remote State
5 chooses to charge a fee for a Compact Privilege, it may choose
6 to charge a reduced fee or no fee to an Active Military Member
7 and their spouse for a Compact Privilege.

8 SECTION 6. ADVERSE ACTIONS

9 A. A Participating State in which a Licensee is licensed
10 shall have exclusive authority to impose Adverse Action against
11 the Qualifying License issued by that Participating State.

12 B. A Participating State may take Adverse Action based on the
13 Significant Investigative Information of a Remote State, so long
14 as the Participating State follows its own procedures for
15 imposing Adverse Action.

16 C. Nothing in this Compact shall override a Participating
17 State's decision that participation in an Alternative Program
18 may be used in lieu of Adverse Action and that such
19 participation shall remain non-public if required by the
20 Participating State's laws. Participating States must require
21 Licensees who enter any Alternative Program in lieu of
22 discipline to agree not to practice pursuant to a Compact
23 Privilege in any other Participating State during the term of
24 the Alternative Program without prior authorization from such
25 other Participating State.

26 D. Any Participating State in which a Licensee is applying to
27 practice or is practicing pursuant to a Compact Privilege may
28 investigate actual or alleged violations of the statutes and
29 regulations authorizing the practice of dentistry or dental
30 hygiene in any other Participating State in which the Dentist or

1 Dental Hygienist holds a License or Compact Privilege.

2 E. A Remote State shall have the authority to:

3 1. Take Adverse Actions as set forth in Section 4.D against a
4 Licensee's Compact Privilege in the State;

5 2. In furtherance of its rights and responsibilities under
6 the Compact and the Commission's Rules issue subpoenas for both
7 hearings and investigations that require the attendance and
8 testimony of witnesses, and the production of evidence.

9 Subpoenas issued by a State Licensing Authority in a
10 Participating State for the attendance and testimony of
11 witnesses, or the production of evidence from another
12 Participating State, shall be enforced in the latter State by
13 any court of competent jurisdiction, according to the practice
14 and procedure of that court applicable to subpoenas issued in
15 proceedings pending before it. The issuing authority shall pay
16 any witness fees, travel expenses, mileage, and other fees
17 required by the service statutes of the State where the
18 witnesses or evidence are located; and

19 3. If otherwise permitted by State law, recover from the
20 Licensee the costs of investigations and disposition of cases
21 resulting from any Adverse Action taken against that Licensee.

22 F. Joint Investigations

23 1. In addition to the authority granted to a Participating
24 State by its Dentist or Dental Hygienist licensure act or other
25 applicable State law, a Participating State may jointly
26 investigate Licensees with other Participating States.

27 2. Participating States shall share any Significant
28 Investigative Information, litigation, or compliance materials
29 in furtherance of any joint or individual investigation
30 initiated under the Compact.

1 G. Authority to Continue Investigation

2 1. After a Licensee's Compact Privilege in a Remote State is
3 terminated, the Remote State may continue an investigation of
4 the Licensee that began when the Licensee had a Compact
5 Privilege in that Remote State.

6 2. If the investigation yields what would be Significant
7 Investigative Information had the Licensee continued to have a
8 Compact Privilege in that Remote State, the Remote State shall
9 report the presence of such information to the Data System as
10 required by Section 8.B.6 as if it was Significant Investigative
11 Information.

12 SECTION 7. ESTABLISHMENT AND OPERATION OF THE COMMISSION.

13 A. The Compact Participating States hereby create and
14 establish a joint government agency whose membership consists of
15 all Participating States that have enacted the Compact. The
16 Commission is an instrumentality of the Participating States
17 acting jointly and not an instrumentality of any one State. The
18 Commission shall come into existence on or after the effective
19 date of the Compact as set forth in Section 11A.

20 B. Participation, Voting, and Meetings

21 1. Each Participating State shall have and be limited to one
22 (1) Commissioner selected by that Participating State's State
23 Licensing Authority or, if the State has more than one State
24 Licensing Authority, selected collectively by the State
25 Licensing Authorities.

26 2. The Commissioner shall be a member or designee of such
27 Authority or Authorities.

28 3. The Commission may by Rule or bylaw establish a term of
29 office for Commissioners and may by Rule or bylaw establish term
30 limits.

1 4. The Commission may recommend to a State Licensing
2 Authority or Authorities, as applicable, removal or suspension
3 of an individual as the State's Commissioner.

4 5. A Participating State's State Licensing Authority, or
5 Authorities, as applicable, shall fill any vacancy of its
6 Commissioner on the Commission within sixty (60) days of the
7 vacancy.

8 6. Each Commissioner shall be entitled to one vote on all
9 matters that are voted upon by the Commission.

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

14 C. The Commission shall have the following powers:

15 1. Establish the fiscal year of the Commission;

16 2. Establish a code of conduct and conflict of interest
17 policies;

18 3. Adopt Rules and bylaws;

19 4. Maintain its financial records in accordance with the
20 bylaws;

21 5. Meet and take such actions as are consistent with the
22 provisions of this Compact, the Commission's Rules, and the
23 bylaws;

24 6. Initiate and conclude legal proceedings or actions in the
25 name of the Commission, provided that the standing of any State
26 Licensing Authority to sue or be sued under applicable law shall
27 not be affected;

28 7. Maintain and certify records and information provided to a
29 Participating State as the authenticated business records of the
30 Commission, and designate a person to do so on the Commission's

1 behalf;

2 8. Purchase and maintain insurance and bonds;

3 9. Borrow, accept, or contract for services of personnel,
4 including, but not limited to, employees of a Participating
5 State;

6 10. Conduct an annual financial review;

7 11. Hire employees, elect or appoint officers, fix
8 compensation, define duties, grant such individuals appropriate
9 authority to carry out the purposes of the Compact, and
10 establish the Commission's personnel policies and programs
11 relating to conflicts of interest, qualifications of personnel,
12 and other related personnel matters;

13 12. As set forth in the Commission Rules, charge a fee to a
14 Licensee for the grant of a Compact Privilege in a Remote State
15 and thereafter, as may be established by Commission Rule, charge
16 the Licensee a Compact Privilege renewal fee for each renewal
17 period in which that Licensee exercises or intends to exercise
18 the Compact Privilege in that Remote State. Nothing herein shall
19 be construed to prevent a Remote State from charging a Licensee
20 a fee for a Compact Privilege or renewals of a Compact
21 Privilege, or a fee for the Jurisprudence Requirement if the
22 Remote State imposes such a requirement for the grant of a
23 Compact Privilege;

24 13. Accept any and all appropriate gifts, donations, grants
25 of money, other sources of revenue, equipment, supplies,
26 materials, and services, and receive, utilize, and dispose of
27 the same; provided that at all times the Commission shall avoid
28 any appearance of impropriety and/or conflict of interest;

29 14. Lease, purchase, retain, own, hold, improve, or use any
30 property, real, personal, or mixed, or any undivided interest

1 therein;

2 15. Sell, convey, mortgage, pledge, lease, exchange, abandon,
3 or otherwise dispose of any property real, personal, or mixed;

4 16. Establish a budget and make expenditures;

5 17. Borrow money;

6 18. Appoint committees, including standing committees, which
7 may be composed of members, State regulators, State legislators
8 or their representatives, and consumer representatives, and such
9 other interested persons as may be designated in this Compact
10 and the bylaws;

11 19. Provide and receive information from, and cooperate with,
12 law enforcement agencies;

13 20. Elect a Chair, Vice Chair, Secretary and Treasurer and
14 such other officers of the Commission as provided in the
15 Commission's bylaws;

16 21. Establish and elect an Executive Board;

17 22. Adopt and provide to the Participating States an annual
18 report;

19 23. Determine whether a State's enacted compact is materially
20 different from the Model Compact language such that the State
21 would not qualify for participation in the Compact; and

22 24. Perform such other functions as may be necessary or
23 appropriate to achieve the purposes of this Compact.

24 D. Meetings of the Commission

25 1. All meetings of the Commission that are not closed
26 pursuant to this subsection shall be open to the public. Notice
27 of public meetings shall be posted on the Commission's website
28 at least thirty (30) days prior to the public meeting.

29 2. Notwithstanding subsection D.1 of this section, the
30 Commission may convene an emergency public meeting by providing

1 at least twenty-four (24) hours prior notice on the Commission's
2 website, and any other means as provided in the Commission's
3 Rules, for any of the reasons it may dispense with notice of
4 proposed rulemaking under Section 9.L. The Commission's legal
5 counsel shall certify that one of the reasons justifying an
6 emergency public meeting has been met.

7 3. Notice of all Commission meetings shall provide the time,
8 date, and location of the meeting, and if the meeting is to be
9 held or accessible via telecommunication, video conference, or
10 other electronic means, the notice shall include the mechanism
11 for access to the meeting through such means.

12 4. The Commission may convene in a closed, non-public meeting
13 for the Commission to receive legal advice or to discuss:

14 a. Non-compliance of a Participating State with its
15 obligations under the Compact;

16 b. The employment, compensation, discipline or other matters,
17 practices or procedures related to specific employees or other
18 matters related to the Commission's internal personnel practices
19 and procedures;

20 c. Current or threatened discipline of a Licensee or Compact
21 Privilege holder by the Commission or by a Participating State's
22 Licensing Authority;

23 d. Current, threatened, or reasonably anticipated litigation;

24 e. Negotiation of contracts for the purchase, lease, or sale
25 of goods, services, or real estate;

26 f. Accusing any person of a crime or formally censuring any
27 person;

28 g. Trade secrets or commercial or financial information that
29 is privileged or confidential;

30 h. Information of a personal nature where disclosure would

1 constitute a clearly unwarranted invasion of personal privacy;

2 i. Investigative records compiled for law enforcement
3 purposes;

4 j. Information related to any investigative reports prepared
5 by or on behalf of or for use of the Commission or other
6 committee charged with responsibility of investigation or
7 determination of compliance issues pursuant to the Compact;

8 k. Legal advice;

9 l. Matters specifically exempted from disclosure to the
10 public by federal or Participating State law; and

11 m. Other matters as promulgated by the Commission by Rule.

12 5. If a meeting, or portion of a meeting, is closed, the
13 presiding officer shall state that the meeting will be closed
14 and reference each relevant exempting provision, and such
15 reference shall be recorded in the minutes.

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

25 E. Financing of the Commission

26 1. The Commission shall pay, or provide for the payment of,
27 the reasonable expenses of its establishment, organization, and
28 ongoing activities.

29 2. The Commission may accept any and all appropriate sources
30 of revenue, donations, and grants of money, equipment, supplies,

1 materials, and services.

2 3. The Commission may levy on and collect an annual
3 assessment from each Participating State and impose fees on
4 Licensees of Participating States when a Compact Privilege is
5 granted, to cover the cost of the operations and activities of
6 the Commission and its staff, which must be in a total amount
7 sufficient to cover its annual budget as approved each fiscal
8 year for which sufficient revenue is not provided by other
9 sources. The aggregate annual assessment amount for
10 Participating States shall be allocated based upon a formula
11 that the Commission shall promulgate by Rule.

12 4. The Commission shall not incur obligations of any kind
13 prior to securing the funds adequate to meet the same; nor shall
14 the Commission pledge the credit of any Participating State,
15 except by and with the authority of the Participating State.

16 5. The Commission shall keep accurate accounts of all
17 receipts and disbursements. The receipts and disbursements of
18 the Commission shall be subject to the financial review and
19 accounting procedures established under its bylaws. All receipts
20 and disbursements of funds handled by the Commission shall be
21 subject to an annual financial review by a certified or licensed
22 public accountant, and the report of the financial review shall
23 be included in and become part of the annual report of the
24 Commission.

25 F. The Executive Board

26 1. The Executive Board shall have the power to act on behalf
27 of the Commission according to the terms of this Compact. The
28 powers, duties, and responsibilities of the Executive Board
29 shall include:

30 a. Overseeing the day-to-day activities of the administration

1 of the Compact including compliance with the provisions of the
2 Compact, the Commission's Rules and bylaws;

3 b. Recommending to the Commission changes to the Rules or
4 bylaws, changes to this Compact legislation, fees charged to
5 Compact Participating States, fees charged to Licensees, and
6 other fees;

7 c. Ensuring Compact administration services are appropriately
8 provided, including by contract;

9 d. Preparing and recommending the budget;

10 e. Maintaining financial records on behalf of the Commission;

11 f. Monitoring Compact compliance of Participating States and
12 providing compliance reports to the Commission;

13 g. Establishing additional committees as necessary;

14 h. Exercising the powers and duties of the Commission during
15 the interim between Commission meetings, except for adopting or
16 amending Rules, adopting or amending bylaws, and exercising any
17 other powers and duties expressly reserved to the Commission by
18 Rule or bylaw; and

19 i. Other duties as provided in the Rules or bylaws of the
20 Commission.

21 2. The Executive Board shall be composed of up to seven (7)
22 members:

23 a. The Chair, Vice Chair, Secretary and Treasurer of the
24 Commission and any other members of the Commission who serve on
25 the Executive Board shall be voting members of the Executive
26 Board; and

27 b. Other than the Chair, Vice Chair, Secretary, and
28 Treasurer, the Commission may elect up to three (3) voting
29 members from the current membership of the Commission.

30 3. The Commission may remove any member of the Executive

1 Board as provided in the Commission's bylaws.

2 4. The Executive Board shall meet at least annually.

3 a. An Executive Board meeting at which it takes or intends to
4 take formal action on a matter shall be open to the public,
5 except that the Executive Board may meet in a closed, non-public
6 session of a public meeting when dealing with any of the matters
7 covered under subsection D.4.

8 b. The Executive Board shall give five (5) business days'
9 notice of its public meetings, posted on its website and as it
10 may otherwise determine to provide notice to persons with an
11 interest in the public matters the Executive Board intends to
12 address at those meetings.

13 5. The Executive Board may hold an emergency meeting when
14 acting for the Commission to:

15 a. Meet an imminent threat to public health, safety, or
16 welfare;

17 b. Prevent a loss of Commission or Participating State funds;
18 or

19 c. Protect public health and safety.

20 G. Qualified Immunity, Defense, and Indemnification

21 1. The members, officers, executive director, employees and
22 representatives of the Commission shall be immune from suit and
23 liability, both personally and in their official capacity, for
24 any claim for damage to or loss of property or personal injury
25 or other civil liability caused by or arising out of any actual
26 or alleged act, error, or omission that occurred, or that the
27 person against whom the claim is made had a reasonable basis for
28 believing occurred within the scope of Commission employment,
29 duties or responsibilities; provided that nothing in this
30 paragraph shall be construed to protect any such person from

1 suit or liability for any damage, loss, injury, or liability
2 caused by the intentional or willful or wanton misconduct of
3 that person. The procurement of insurance of any type by the
4 Commission shall not in any way compromise or limit the immunity
5 granted hereunder.

6 2. The Commission shall defend any member, officer, executive
7 director, employee, and representative of the Commission in any
8 civil action seeking to impose liability arising out of any
9 actual or alleged act, error, or omission that occurred within
10 the scope of Commission employment, duties, or responsibilities,
11 or as determined by the Commission that the person against whom
12 the claim is made had a reasonable basis for believing occurred
13 within the scope of Commission employment, duties, or
14 responsibilities; provided that nothing herein shall be
15 construed to prohibit that person from retaining their own
16 counsel at their own expense; and provided further, that the
17 actual or alleged act, error, or omission did not result from
18 that person's intentional or willful or wanton misconduct.

19 3. Notwithstanding subsection G.1 of this section, should any
20 member, officer, executive director, employee, or representative
21 of the Commission be held liable for the amount of any
22 settlement or judgment arising out of any actual or alleged act,
23 error, or omission that occurred within the scope of that
24 individual's employment, duties, or responsibilities for the
25 Commission, or that the person to whom that individual is liable
26 had a reasonable basis for believing occurred within the scope
27 of the individual's employment, duties, or responsibilities for
28 the Commission, the Commission shall indemnify and hold harmless
29 such individual, provided that the actual or alleged act, error,
30 or omission did not result from the intentional or willful or

1 wanton misconduct of the individual.

2 4. Nothing herein shall be construed as a limitation on the
3 liability of any Licensee for professional malpractice or
4 misconduct, which shall be governed solely by any other
5 applicable State laws.

6 5. Nothing in this Compact shall be interpreted to waive or
7 otherwise abrogate a Participating State's state action immunity
8 or state action affirmative defense with respect to antitrust
9 claims under the Sherman Act, Clayton Act, or any other State or
10 federal antitrust or anticompetitive law or regulation.

11 6. Nothing in this Compact shall be construed to be a waiver
12 of sovereign immunity by the Participating States or by the
13 Commission.

14 SECTION 8. DATA SYSTEM

15 A. The Commission shall provide for the development,
16 maintenance, operation, and utilization of a coordinated
17 database and reporting system containing licensure, Adverse
18 Action, and the presence of Significant Investigative
19 Information on all Licensees and applicants for a License in
20 Participating States.

21 B. Notwithstanding any other provision of State law to the
22 contrary, a Participating State shall submit a uniform data set
23 to the Data System on all individuals to whom this Compact is
24 applicable as required by the Rules of the Commission,
25 including:

26 1. Identifying information;

27 2. Licensure data;

28 3. Adverse Actions against a Licensee, License applicant or
29 Compact Privilege and information related thereto;

30 4. Non-confidential information related to Alternative

1 Program participation, the beginning and ending dates of such
2 participation, and other information related to such
3 participation;

4 5. Any denial of an application for licensure, and the
5 reason(s) for such denial, (excluding the reporting of any
6 criminal history record information where prohibited by law);

7 6. The presence of Significant Investigative Information; and

8 7. Other information that may facilitate the administration
9 of this Compact or the protection of the public, as determined
10 by the Rules of the Commission.

11 C. The records and information provided to a Participating
12 State pursuant to this Compact or through the Data System, when
13 certified by the Commission or an agent thereof, shall
14 constitute the authenticated business records of the Commission,
15 and shall be entitled to any associated hearsay exception in any
16 relevant judicial, quasi-judicial or administrative proceedings
17 in a Participating State.

18 D. Significant Investigative Information pertaining to a
19 Licensee in any Participating State will only be available to
20 other Participating States.

21 E. It is the responsibility of the Participating States to
22 monitor the database to determine whether Adverse Action has
23 been taken against a Licensee or License applicant. Adverse
24 Action information pertaining to a Licensee or License applicant
25 in any Participating State will be available to any other
26 Participating State.

27 F. Participating States contributing information to the Data
28 System may designate information that may not be shared with the
29 public without the express permission of the contributing State.

30 G. Any information submitted to the Data System that is

1 subsequently expunged pursuant to federal law or the laws of the
2 Participating State contributing the information shall be
3 removed from the Data System.

4 SECTION 9. RULEMAKING

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

14 B. The Rules of the Commission shall have the force of law in
15 each Participating State, provided however that where the Rules
16 of the Commission conflict with the laws of the Participating
17 State that establish the Participating State's Scope of Practice
18 as held by a court of competent jurisdiction, the Rules of the
19 Commission shall be ineffective in that State to the extent of
20 the conflict.

21 C. The Commission shall exercise its Rulemaking powers
22 pursuant to the criteria set forth in this section and the Rules
23 adopted thereunder. Rules shall become binding as of the date
24 specified by the Commission for each Rule.

25 D. If a majority of the legislatures of the Participating
26 States rejects a Commission Rule or portion of a Commission
27 Rule, by enactment of a statute or resolution in the same manner
28 used to adopt the Compact, within four (4) years of the date of
29 adoption of the Rule, then such Rule shall have no further force
30 and effect in any Participating State or to any State applying

1 to participate in the Compact.

2 E. Rules shall be adopted at a regular or special meeting of
3 the Commission.

4 F. Prior to adoption of a proposed Rule, the Commission shall
5 hold a public hearing and allow persons to provide oral and
6 written comments, data, facts, opinions, and arguments.

7 G. Prior to adoption of a proposed Rule by the Commission,
8 and at least thirty (30) days in advance of the meeting at which
9 the Commission will hold a public hearing on the proposed Rule,
10 the Commission shall provide a Notice of Proposed Rulemaking:

11 1. On the website of the Commission or other publicly
12 accessible platform;

13 2. To persons who have requested notice of the Commission's
14 notices of proposed rulemaking, and

15 3. In such other way(s) as the Commission may by Rule
16 specify.

17 H. The Notice of Proposed Rulemaking shall include:

18 1. The time, date, and location of the public hearing at
19 which the Commission will hear public comments on the proposed
20 Rule and, if different, the time, date, and location of the
21 meeting where the Commission will consider and vote on the
22 proposed Rule;

23 2. If the hearing is held via telecommunication, video
24 conference, or other electronic means, the Commission shall
25 include the mechanism for access to the hearing in the Notice of
26 Proposed Rulemaking;

27 3. The text of the proposed Rule and the reason therefor;

28 4. A request for comments on the proposed Rule from any
29 interested person; and

30 5. The manner in which interested persons may submit written

1 comments.

2 I. All hearings will be recorded. A copy of the recording and
3 all written comments and documents received by the Commission in
4 response to the proposed Rule shall be available to the public.

5 J. Nothing in this section shall be construed as requiring a
6 separate hearing on each Commission Rule. Rules may be grouped
7 for the convenience of the Commission at hearings required by
8 this section.

9 K. The Commission shall, by majority vote of all
10 Commissioners, take final action on the proposed Rule based on
11 the rulemaking record.

12 1. The Commission may adopt changes to the proposed Rule
13 provided the changes do not enlarge the original purpose of the
14 proposed Rule.

15 2. The Commission shall provide an explanation of the reasons
16 for substantive changes made to the proposed Rule as well as
17 reasons for substantive changes not made that were recommended
18 by commenters.

19 3. The Commission shall determine a reasonable effective date
20 for the Rule. Except for an emergency as provided in subsection
21 L, the effective date of the Rule shall be no sooner than thirty
22 (30) days after the Commission issuing the notice that it
23 adopted or amended the Rule.

24 L. Upon determination that an emergency exists, the
25 Commission may consider and adopt an emergency Rule with 24
26 hours' notice, with opportunity to comment, provided that the
27 usual rulemaking procedures provided in the Compact and in this
28 section shall be retroactively applied to the Rule as soon as
29 reasonably possible, in no event later than ninety (90) days
30 after the effective date of the Rule. For the purposes of this

1 provision, an emergency Rule is one that must be adopted
2 immediately in order to:

- 3 1. Meet an imminent threat to public health, safety, or
4 welfare;
- 5 2. Prevent a loss of Commission or Participating State funds;
- 6 3. Meet a deadline for the promulgation of a Rule that is
7 established by federal law or rule; or
- 8 4. Protect public health and safety.

9 M. The Commission or an authorized committee of the
10 Commission may direct revisions to a previously adopted Rule for
11 purposes of correcting typographical errors, errors in format,
12 errors in consistency, or grammatical errors. Public notice of
13 any revisions shall be posted on the website of the Commission.
14 The revision shall be subject to challenge by any person for a
15 period of thirty (30) days after posting. The revision may be
16 challenged only on grounds that the revision results in a
17 material change to a Rule. A challenge shall be made in writing
18 and delivered to the Commission prior to the end of the notice
19 period. If no challenge is made, the revision will take effect
20 without further action. If the revision is challenged, the
21 revision may not take effect without the approval of the
22 Commission.

23 N. No Participating State's rulemaking requirements shall
24 apply under this Compact.

25 SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

26 A. Oversight

27 1. The executive and judicial branches of State government in
28 each Participating State shall enforce this Compact and take all
29 actions necessary and appropriate to implement the Compact.

30 2. Venue is proper and judicial proceedings by or against the

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

9 3. The Commission shall be entitled to receive service of
10 process in any proceeding regarding the enforcement or
11 interpretation of the Compact or Commission Rule and shall have
12 standing to intervene in such a proceeding for all purposes.
13 Failure to provide the Commission service of process shall
14 render a judgment or order void as to the Commission, this
15 Compact, or promulgated Rules.

16 B. Default, Technical Assistance, and Termination

17 1. If the Commission determines that a Participating State
18 has defaulted in the performance of its obligations or
19 responsibilities under this Compact or the promulgated Rules,
20 the Commission shall provide written notice to the defaulting
21 State. The notice of default shall describe the default, the
22 proposed means of curing the default, and any other action that
23 the Commission may take, and shall offer training and specific
24 technical assistance regarding the default.

25 2. The Commission shall provide a copy of the notice of
26 default to the other Participating States.

27 C. If a State in default fails to cure the default, the
28 defaulting State may be terminated from the Compact upon an
29 affirmative vote of a majority of the Commissioners, and all
30 rights, privileges and benefits conferred on that State by this

1 Compact may be terminated on the effective date of termination.
2 A cure of the default does not relieve the offending State of
3 obligations or liabilities incurred during the period of
4 default.

5 D. Termination of participation in the Compact shall be
6 imposed only after all other means of securing compliance have
7 been exhausted. Notice of intent to suspend or terminate shall
8 be given by the Commission to the governor, the majority and
9 minority leaders of the defaulting State's legislature, the
10 defaulting State's State Licensing Authority or Authorities, as
11 applicable, and each of the Participating States' State
12 Licensing Authority or Authorities, as applicable.

13 E. A State that has been terminated is responsible for all
14 assessments, obligations, and liabilities incurred through the
15 effective date of termination, including obligations that extend
16 beyond the effective date of termination.

17 F. Upon the termination of a State's participation in this
18 Compact, that State shall immediately provide notice to all
19 Licensees of the State, including Licensees of other
20 Participating States issued a Compact Privilege to practice
21 within that State, of such termination. The terminated State
22 shall continue to recognize all Compact Privileges then in
23 effect in that State for a minimum of one hundred eighty (180)
24 days after the date of said notice of termination.

25 G. The Commission shall not bear any costs related to a State
26 that is found to be in default or that has been terminated from
27 the Compact, unless agreed upon in writing between the
28 Commission and the defaulting State.

29 H. The defaulting State may appeal the action of the
30 Commission by petitioning the U.S. District Court for the

1 District of Columbia or the federal district where the
2 Commission has its principal offices. The prevailing party shall
3 be awarded all costs of such litigation, including reasonable
4 attorney's fees.

5 I. Dispute Resolution

6 1. Upon request by a Participating State, the Commission
7 shall attempt to resolve disputes related to the Compact that
8 arise among Participating States and between Participating
9 States and non-Participating States.

10 2. The Commission shall promulgate a Rule providing for both
11 mediation and binding dispute resolution for disputes as
12 appropriate.

13 J. Enforcement

14 1. The Commission, in the reasonable exercise of its
15 discretion, shall enforce the provisions of this Compact and the
16 Commission's Rules.

17 2. By majority vote, the Commission may initiate legal action
18 against a Participating State in default in the United States
19 District Court for the District of Columbia or the federal
20 district where the Commission has its principal offices to
21 enforce compliance with the provisions of the Compact and its
22 promulgated Rules. The relief sought may include both injunctive
23 relief and damages. In the event judicial enforcement is
24 necessary, the prevailing party shall be awarded all costs of
25 such litigation, including reasonable attorney's fees. The
26 remedies herein shall not be the exclusive remedies of the
27 Commission. The Commission may pursue any other remedies
28 available under federal or the defaulting Participating State's
29 law.

30 3. A Participating State may initiate legal action against

1 the Commission in the U.S. District Court for the District of
2 Columbia or the federal district where the Commission has its
3 principal offices to enforce compliance with the provisions of
4 the Compact and its promulgated Rules. The relief sought may
5 include both injunctive relief and damages. In the event
6 judicial enforcement is necessary, the prevailing party shall be
7 awarded all costs of such litigation, including reasonable
8 attorney's fees.

9 4. No individual or entity other than a Participating State
10 may enforce this Compact against the Commission.

11 SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

12 A. The Compact shall come into effect on the date on which
13 the Compact statute is enacted into law in the seventh
14 Participating State.

15 1. On or after the effective date of the Compact, the
16 Commission shall convene and review the enactment of each of the
17 States that enacted the Compact prior to the Commission
18 convening ("Charter Participating States") to determine if the
19 statute enacted by each such Charter Participating State is
20 materially different than the Model Compact.

21 a. A Charter Participating State whose enactment is found to
22 be materially different from the Model Compact shall be entitled
23 to the default process set forth in Section 10.

24 b. If any Participating State is later found to be in
25 default, or is terminated or withdraws from the Compact, the
26 Commission shall remain in existence and the Compact shall
27 remain in effect even if the number of Participating States
28 should be less than seven (7).

29 2. Participating States enacting the Compact subsequent to
30 the Charter Participating States shall be subject to the process

1 set forth in Section 7.C.23 to determine if their enactments are
2 materially different from the Model Compact and whether they
3 qualify for participation in the Compact.

4 3. All actions taken for the benefit of the Commission or in
5 furtherance of the purposes of the administration of the Compact
6 prior to the effective date of the Compact or the Commission
7 coming into existence shall be considered to be actions of the
8 Commission unless specifically repudiated by the Commission.

9 4. Any State that joins the Compact subsequent to the
10 Commission's initial adoption of the Rules and bylaws shall be
11 subject to the Commission's Rules and bylaws as they exist on
12 the date on which the Compact becomes law in that State. Any
13 Rule that has been previously adopted by the Commission shall
14 have the full force and effect of law on the day the Compact
15 becomes law in that State.

16 B. Any Participating State may withdraw from this Compact by
17 enacting a statute repealing that State's enactment of the
18 Compact.

19 1. A Participating State's withdrawal shall not take effect
20 until one hundred eighty (180) days after enactment of the
21 repealing statute.

22 2. Withdrawal shall not affect the continuing requirement of
23 the withdrawing State's Licensing Authority or Authorities to
24 comply with the investigative and Adverse Action reporting
25 requirements of this Compact prior to the effective date of
26 withdrawal.

27 3. Upon the enactment of a statute withdrawing from this
28 Compact, the State shall immediately provide notice of such
29 withdrawal to all Licensees within that State. Notwithstanding
30 any subsequent statutory enactment to the contrary, such

1 withdrawing State shall continue to recognize all Compact
2 Privileges to practice within that State granted pursuant to
3 this Compact for a minimum of one hundred eighty (180) days
4 after the date of such notice of withdrawal.

5 C. Nothing contained in this Compact shall be construed to
6 invalidate or prevent any licensure agreement or other
7 cooperative arrangement between a Participating State and a non-
8 Participating State that does not conflict with the provisions
9 of this Compact.

10 D. This Compact may be amended by the Participating States.
11 No amendment to this Compact shall become effective and binding
12 upon any Participating State until it is enacted into the laws
13 of all Participating States.

14 SECTION 12. CONSTRUCTION AND SEVERABILITY

15 A. This Compact and the Commission's rulemaking authority
16 shall be liberally construed so as to effectuate the purposes,
17 and the implementation and administration of the Compact.
18 Provisions of the Compact expressly authorizing or requiring the
19 promulgation of Rules shall not be construed to limit the
20 Commission's rulemaking authority solely for those purposes.

21 B. The provisions of this Compact shall be severable and if
22 any phrase, clause, sentence or provision of this Compact is
23 held by a court of competent jurisdiction to be contrary to the
24 constitution of any Participating State, a State seeking
25 participation in the Compact, or of the United States, or the
26 applicability thereof to any government, agency, person or
27 circumstance is held to be unconstitutional by a court of
28 competent jurisdiction, the validity of the remainder of this
29 Compact and the applicability thereof to any other government,
30 agency, person or circumstance shall not be affected thereby.

1 C. Notwithstanding subsection B of this section, the
2 Commission may deny a State's participation in the Compact or,
3 in accordance with the requirements of Section 10.B, terminate a
4 Participating State's participation in the Compact, if it
5 determines that a constitutional requirement of a Participating
6 State is a material departure from the Compact. Otherwise, if
7 this Compact shall be held to be contrary to the constitution of
8 any Participating State, the Compact shall remain in full force
9 and effect as to the remaining Participating States and in full
10 force and effect as to the Participating State affected as to
11 all severable matters.

12 SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

13 A. Nothing herein shall prevent or inhibit the enforcement of
14 any other law of a Participating State that is not inconsistent
15 with the Compact.

16 B. Any laws, statutes, regulations, or other legal
17 requirements in a Participating State in conflict with the
18 Compact are superseded to the extent of the conflict.

19 C. All permissible agreements between the Commission and the
20 Participating States are binding in accordance with their terms.
21 Section 3. When and how compact becomes operative.

22 (a) Execution.--When the Governor executes the Dentist and
23 Dental Hygienist Compact on behalf of this State and files a
24 verified copy thereof with the Secretary of the Commonwealth and
25 when the compact is ratified by six or more other states, then
26 the compact shall become operative and effective between this
27 State and such other state or states. The Governor is hereby
28 authorized and directed to take such action as may be necessary
29 to complete the exchange of official documents between this
30 State and any other state ratifying the compact.

1 (b) Notice in Pennsylvania Bulletin.--The Secretary of the
2 Commonwealth shall transmit a notice to the Legislative
3 Reference Bureau for publication in the next available issue of
4 the Pennsylvania Bulletin when the conditions set forth in
5 subsection (a) are satisfied and shall include in the notice the
6 date on which the compact became effective and operative between
7 this State and any other state or states in accordance with this
8 act.

9 Section 4. Compensation and expenses of commissioner.

10 The commissioner who represents this State, as provided for
11 in section 7B of the Compact, shall not be entitled to any
12 additional compensation for his duties and responsibilities as
13 commissioner but shall be entitled to reimbursement for
14 reasonable expenses actually incurred in connection with his
15 duties and responsibilities as commissioner in the same manner
16 as for expenses incurred in connection with other duties and
17 responsibilities of his office or employment.

18 Section 5. Effective date.

19 This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB1127 PN1255	Prepared By:	Kari Orchard (717) 787-6882
Committee:	Professional Licensure	Executive Director:	Kari Orchard
Sponsor:	Mullins, Kyle		
Date:	4/23/2026		

A. Brief Concept

Authorizes Pennsylvania to join the Dentist and Dental Hygienist Compact.

C. Analysis of the Bill

HB 1127 creates a freestanding act authorizing Pennsylvania to join the Dental and Dental Hygienist Compact and sets forth the framework of the compact. **The legislation mirrors the model compact language developed by The Council of State Governments.** States must adopt substantially similar language to participate.

Key Definitions

"Participating State" means a state that enacts the compact.

"License" means authorization by a state for an individual to practice as a dentist or a dental hygienist.

"Compact Privilege" means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in compact states.

"Qualifying License" means an unrestricted dentist or dental hygienist license issued by a participating state.

"Remote State" means a member state where a dentist or dental hygienist practices under a compact privilege rather than a state license.

"Adverse Action" means a disciplinary measures such as suspension, revocation, or restriction of a license or privilege.

State Participation Requirements

To join the compact, a state must:

- License and regulate dentists and dental hygienists.
- Participate in the Compact Commission's data system.
- Maintain a complaint and investigative process for licensees.
- Report disciplinary actions and significant investigative information to the Commission.
- Implement a criminal background check requirement.
- Comply with commission rules applicable to a participating state.
- Accept the National Board Examination of the Joint Commission on National Dental Examinations or another exam accepted by commission rules.
- Accept for licensure graduates of predoctoral dental education programs or dental hygiene education programs accredited by the Commission on Dental Accreditation or another agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs.
- Require applicants for licensure complete a clinical assessment
- Have CE requirements for licensure renewal.
- Pay participation fees.

- Note: Providing alternative pathways for an individual to obtain an unrestricted License does not disqualify a State from participating in the Compact.

Compact Privileges

To obtain and maintain a Compact Privilege, a dentist or dental hygienist must:

- Hold a current, unrestricted license and be eligible for a compact license
- Submit to the compact application process and pay required fees
- Have passed a national board exam of the Joint Commission on National Dental Examinations or another exam adopted by commission rule
- Have completed a predoctoral dental education program or dental hygiene education program accredited by the Commission on Dental Accreditation or another agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs.
- Have completed a clinical assessment for licensure
- Report current address and any changes of address immediately to the commission
- Meet each remote state's jurisprudence requirements and pay any fees
- Report any disciplinary actions in non-compact states within 30 days.
- Privileges remain valid as long as the qualifying license is active and the applicant pays any applicable renewal fees.
- A licensee working under compact privilege shall function within the scope of practice authorized by the remote state for the practice of dentistry or dental hygiene in that state.

Adverse Actions

Licensees are subject to the remote state's regulatory authority, and a remote state may revoke or remove a licensee's compact privilege in that state for a specific period of time and impose fines or take other necessary actions to protect the health and safety of its citizens.

Licensees lose compact privilege in all states if an adverse action is taken against their privilege in any state. If their license becomes encumbered, the licensee shall lose compact privileges in all remote states until it is no longer encumbered.

A participating state may take adverse action based on the investigative information shared by a remote state, following its own procedures. Any participating state 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 person holds compact privileges.

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.

Compact Commission

The compact creates the Dentist and Dental Hygienist Compact Commission, a joint governmental agency made up of one delegate from each participating state. The compact shall become operative when it is ratified by the seventh state. The commission's powers and duties are as follows:

- Establish a fiscal year, conduct financial reviews, establish a budget and make expenditures
- Establish a code of conduct and conflict of interest policies
- Adopt rules and bylaws; produce annual reports
- Initiate and conclude legal proceedings in the name of the commission
- Purchase insurance and bonds; borrow money, contract for services, sell/lease land and property
- Hire employees, elect/appoint officers, fix compensation, define duties
- Charge a fee to a licensee for the granting of a compact privilege in a remote state and set renewal fees thereafter
- Provide and receive information from law enforcement agencies

- Establish and elect an executive board of seven members, which shall have the power to act on behalf of the commission and oversee daily operations
- Conduct open meetings, though meetings may be closed to receive legal advice or discuss limited topics, such as noncompliance of a participating state, employment, compensation or discipline, litigation, investigative records/reports, negotiations or trade secrets
- Levy state assessments and licensee fees to fund operations

Commission members and staff are granted qualified immunity for official acts, and the Commission can sue or be sued only in the jurisdiction of its principal office.

Data System

The commission must develop, maintain, and use a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensees and applicants in participating states.

States must submit data on applicable individuals, including:

- Identifying information
- License status
- Disciplinary actions and significant investigative data
- Non-confidential information on participation in an alternative program
- Any denial of an application for licensure and the reason for denial

This data system shall be accessible to all member states and it is their responsibility to monitor it. Information expunged under state or federal law must be removed upon notice.

Rulemaking, Oversight and Enforcement

The Commission may promulgate binding rules for all member states provided that where the rules conflict with state scope of practice laws, the state law supersedes. States can reject a rule by majority legislative vote within four years of adoption.

Rules must generally be advertised and a public hearing held at least 30 days in advance of a commission vote, but upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice.

Oversight shall be done by the executive and judicial branches of state government in participating states to enforce and implement the compact.

Legal actions involving the Commission must be filed in a court of competent jurisdiction where the Commission's headquarters is located. A participating state may bring legal action in the U.S. District Court for the District of Columbia or a federal district where the commission has principal offices.

Termination of a state's participation in the compact shall be imposed only after all other means of securing compliance have been exhausted. Upon termination of participation, the state must immediately provide notice to all licensees of the state, including those of other participating states issued a privilege to practice in the terminated state.

The terminated state must recognize compact privileges in effect for at least 180 days after the date of notice of termination.

Effective Date:

This act shall take effect in 60 days.

G. Relevant Existing Laws

Dentists and dental hygienists are licensed by the State Board of Dentistry. Requirements for various types of licensure, scope of practice and operations of the board are contained in The Dental Law (Act 76 of 1933), as well as in regulations found at 49 Pa. Code Chapter 33.

To become a licensed dentist in Pennsylvania, one must:

- Be at least 21 years old
- Be of good moral character, not addicted to narcotic drugs or alcohol
- Have obtained the required education and been conferred a diploma from a dental school accredited or provisionally accredited by the Commission on Accreditation of the American Dental Association, approved institution or college conferring the degree of doctor of dental surgery or other established dental degree.
- Pass the National Board Dental Examination (written exam) and the dental clinical exam administered by one of the following:
 - The North East Regional Board of Dental Examiners, Inc. (NERB)
 - The Southern Regional Testing Agency, Inc. (SRTA)
 - The Western Regional Examining Board (WREB)
 - The Central Regional Dental Testing Service, Inc. (CRDTS)
 - The Council of Interstate Testing Agencies, Inc. (CITA)

To become a licensed dental hygienist in Pennsylvania, one must:

- Be at least 18 years or older
- Be of good moral character, not addicted to narcotic drugs or alcohol
- Have obtained the required education for the training of dental hygienists from a dental hygiene school accredited or provisionally accredited by an approved United States Department of Education-recognized regional accrediting agency or the Commission on Dental Accreditation (CODA) of the American Dental Association.
- A dental hygiene course of study must comprise a minimum of two years of at least 32 weeks of at least 30 hours each week or its equivalent.
- Pass the National Board Dental Exam (written exam) and the dental clinical exam administered by one of the following:
 - The North East Regional Board of Dental Examiners, Inc. (NERB)
 - The Southern Regional Testing Agency, Inc. (SRTA)
 - The Western Regional Examining Board (WREB)
 - The Central Regional Dental Testing Service, Inc. (CRDTS)
 - The Council of Interstate Testing Agencies, Inc. (CITA)

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

This language was introduced in the 2023-2024 Legislative Session as House Bill 1586 (Mullins) but it was not considered by the committee.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.

LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1127

Sponsor: **Mullins**

Printer's No. 1255

1 Amend Bill, page 37, by inserting between lines 8 and 9

2 (c) Implementation.--The State Board of Dentistry shall have
3 the following duties:

4 (1) Promulgate temporary regulations necessary to
5 implement this act under 63 Pa.C.S. § 3120 (relating to
6 temporary rulemaking authority) within one year of the
7 effective date of this paragraph.

8 (2) Accept compact privilege applications and issue
9 compact privileges under this act within one year of the
10 effective date of this paragraph.

11 Amend Bill, page 37, line 19, by striking out "in 60 days"

12 and inserting

13 immediately

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2302 Session of
2026

INTRODUCED BY TAKAC, MOUL, VENKAT, BURGOS, HILL-EVANS, FLEMING,
GUZMAN, MALAGARI, RIVERA, GUENST, SANCHEZ, MAYES, CIRESI AND
CEPEDA-FREYTIZ, MARCH 18, 2026

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, MARCH 19, 2026

AN ACT

1 Amending the act of October 9, 2008 (P.L.1363, No.100), entitled
2 "An act relating to crane operator licensure; establishing
3 the State Board of Crane Operators; conferring powers and
4 imposing duties relative to regulating the practice of crane
5 operation; imposing penalties; and making an appropriation,"
6 further providing for title of act; in preliminary
7 provisions, further providing for short title and for
8 definitions and providing for applicability; in State Board
9 of Crane Operators, further providing for board and for
10 powers and duties of board; in licensure, further providing
11 for licensure, for qualifications, for duration of license,
12 for reporting of multiple licensure and for license without
13 certification and providing for qualifications for licensure
14 as well driller, for grandfathering for well drillers, for
15 examination for licensure as well driller, for bonding and
16 insurance for well drillers, for continuing education for
17 well drillers, for professional standards and industry
18 regulations for well drilling, for additional reporting
19 requirements for well drillers, for sampling, for well
20 driller license identification, for drilling company and rig
21 registration, for exemptions and for agricultural operations;
22 in administration and enforcement, further providing for
23 violation of act, for refusal, suspension or revocation of
24 license and for temporary and automatic suspensions; and
25 making a repeal.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. The title and section 101 of the act of October
29 9, 2008 (P.L.1363, No.100), known as the Crane Operator

1 Licensure Act, are amended to read:

2 AN ACT

3 Relating to crane operator licensure; establishing the State
4 Board of Crane Operators and Well Drillers; conferring powers
5 and imposing duties relative to regulating the practice of
6 crane operation and well drilling; imposing penalties; and
7 making an appropriation.

8 Section 101. Short title.

9 This act shall be known and may be cited as the Crane
10 Operator and Well Driller Licensure Act.

11 Section 2. The definitions of "board," "certification,"
12 "crane operator," "immediate supervision" and "trainee" in
13 section 102 of the act are amended and the section is amended by
14 adding definitions to read:

15 Section 102. Definitions.

16 The following words and phrases when used in this act shall
17 have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Board." The State Board of Crane Operators and Well
20 Drillers.

21 "Certification." Certification from the National Commission
22 for the Certification of Crane Operators (NCCCO) or another
23 organization found by the State Board of Crane Operators and
24 Well Drillers to offer an equivalent testing and certification
25 program meeting the applicable requirements of the American
26 Society of Mechanical Engineers ASME B30.5 as relating to mobile
27 cranes, ASME B30.3 or the requirements of ASME B30.4 as relating
28 to tower cranes and the accreditation requirements of the
29 National Commission for Certifying Agencies or the American
30 National Standards Institute.

1 * * *

2 "Crane operator." An individual licensed by the State Board
3 of Crane Operators and Well Drillers to operate a crane.

4 "Decommissioning." The process of sealing and permanently
5 closing an inactive, abandoned or unusable water well,
6 geotechnical well, geothermal well or environmental well.

7 * * *

8 "Environmental well." A cased excavation or opening into the
9 ground created by digging, boring, drilling, driving, jetting or
10 any other method to obtain a sample of groundwater or soil for
11 environmental or geological investigation, research or
12 remediation, where the depth is likely to penetrate the water
13 table. The term includes a piezometer or observation well
14 installed for a purpose not specified in this definition. The
15 term does not include a well installed to provide a supply of
16 potable water.

17 "Geotechnical well." A well drilled to collect rock and soil
18 samples or to assess soil or rock stability for geotechnical
19 investigations related to site analysis for construction
20 suitability.

21 "Geothermal well." A boring or cased hole that utilizes the
22 geothermal properties of water to provide heating or cooling
23 through an open-loop or closed-loop groundwater heat pump
24 system. The term does not include a boring or cased hole
25 utilized in an electric generating geothermal system.

26 "Groundwater." Water occurring in underground streams,
27 channels, artesian basins, reservoirs, lakes or other subsurface
28 formations, whether percolating or otherwise.

29 "Immediate supervision." Circumstances in which [the] a
30 crane operator or well driller is in the immediate area of [the]

1 a trainee, within visual sighting distance and able to
2 effectively communicate with the trainee.

3 "Modifying." Altering the physical construction of an
4 existing well after initial completion, including development,
5 redevelopment or reconditioning of an existing well.

6 "National association." The National Ground Water
7 Association.

8 "Registered drilling company." A business entity, including
9 a corporation, partnership, sole proprietorship, limited
10 liability company, business trust or other association, estate,
11 trust or foundation, which is registered with the department and
12 employs licensed well drillers to drill or construct a well or
13 boring.

14 "Rig." Equipment used for drilling, boring, coring, washing,
15 jetting, driving or digging earth materials or for lifting and
16 installing well and pump equipment.

17 "State association." The Pennsylvania Ground Water
18 Association.

19 "Trainee." An individual who has not been issued a license
20 under this act or obtained certification but who is authorized
21 to operate a crane or practice well drilling as set forth in
22 this act only when under the immediate supervision of a crane
23 operator or well driller.

24 "Water well." An excavation or boring constructed by
25 drilling, digging, boring, coring, washing, driving, jetting or
26 other methods to locate, divert or acquire groundwater for
27 purposes including human consumption, irrigation, industrial
28 processes, heating, cooling, groundwater dewatering,
29 investigation, monitoring, testing or remediation.

30 "Well driller." An individual licensed under this act to

1 drill, dig, drive, bore, core, wash, jet, construct, alter,
2 decommission or repair a water well, geothermal well,
3 environmental well or geotechnical well. The term does not
4 include an individual who drills, constructs, modifies or
5 decommissions an oil or natural gas well regulated under 58
6 Pa.C.S. Ch. 32 (relating to development), the act of July 25,
7 1961 (P.L.825, No.359), known as the Oil and Gas Conservation
8 Law, or the act of December 18, 1984 (P.L.1069, No.214), known
9 as the Coal and Gas Resource Coordination Act.

10 "Well owner." An individual or entity owning land on which a
11 well or boring is constructed, modified or decommissioned.

12 Section 3. The act is amended by adding a section to read:

13 Section 102.1. Applicability.

14 (a) Oil and natural gas wells.--This act shall not apply to
15 an individual who drills, constructs, modifies or decommissions
16 an oil or natural gas well regulated under 58 Pa.C.S. Ch. 32
17 (relating to development), the act of July 25, 1961 (P.L.825,
18 No.359), known as the Oil and Gas Conservation Law, or the act
19 of December 18, 1984 (P.L.1069, No.214), known as the Coal and
20 Gas Resource Coordination Act.

21 (b) Normal agricultural operations.--This act shall not
22 apply to a function performed for normal agricultural operations
23 as defined in section 2 of the act of June 10, 1982 (P.L.454,
24 No.133), referred to as the Right-to-Farm Law.

25 Section 4. Chapter 3 heading and section 301(a), (b) (3), (c)
26 introductory paragraph and (4), (f) and (g) of the act are
27 amended and subsection (b) is amended by adding paragraphs to
28 read:

29 CHAPTER 3

30 STATE BOARD OF CRANE OPERATORS AND WELL DRILLERS

1 Section 301. Board.

2 (a) Establishment.--There is hereby established the State
3 Board of Crane Operators and Well Drillers within the
4 department.

5 (b) Composition.--The board shall consist of the following:

6 * * *

7 (3) Four professional crane operator members.

8 Professional members shall have been actively engaged in
9 crane-related operations in this Commonwealth for at least
10 five years immediately preceding appointment. Except as set
11 forth in subsection (f), professional crane operator members
12 shall be licensed under this act as crane operators.

13 (4) Four professional well driller members, including
14 two water well drillers, one geotechnical well driller and
15 one geothermal well driller, who have been actively engaged
16 in well drilling in this Commonwealth for at least five years
17 immediately preceding appointment and are licensed as well
18 drillers under this act, except as provided under subsection
19 (f).

20 (5) The Secretary of Conservation and Natural Resources
21 or a designee, serving as an ex officio nonvoting member.

22 (c) Meeting.--The board shall meet within 30 days after the
23 appointment of the initial members and within 30 days after
24 appointment of the initial members under subsection (b)(4) and
25 shall:

26 * * *

27 (4) Educate the public regarding the requirements of
28 being licensed to operate a crane or drill a well and to hold
29 oneself out as a crane operator or well driller in this
30 Commonwealth.

1 * * *

2 (f) Professional members and initial appointments.--A
3 professional member initially appointed to the board pursuant to
4 this act need not be licensed at the time of appointment but at
5 the time of appointment must have satisfied eligibility
6 requirements for licensure, including holding current
7 certification, as a crane operator or having satisfied
8 eligibility requirements for licensure as a well driller, as
9 provided in this act.

10 (g) Quorum.--A majority of the members of the board shall
11 constitute a quorum. Except for temporary and automatic
12 suspensions under section 705, a member may not be counted as
13 part of a quorum or vote on any issue unless the member is
14 physically or virtually in attendance at the meeting.

15 * * *

16 Section 5. Section 302(1) and (5) of the act are amended to
17 read:

18 Section 302. Powers and duties of board.

19 The board shall have the following powers and duties:

20 (1) To provide for and regulate the licensing of
21 individuals engaged in operating a crane and individuals
22 engaged in well drilling.

23 * * *

24 (5) To promulgate and enforce regulations, not
25 inconsistent with this act, as necessary only to carry into
26 effect the provisions of this act. This paragraph includes
27 the setting of fees and the adoption of standards for
28 certification of crane operators and licensing of well
29 drillers. Regulations shall be adopted in conformity with the
30 provisions of the act of July 31, 1968 (P.L.769, No.240),

1 referred to as the Commonwealth Documents Law, and the act of
2 June 25, 1982 (P.L.633, No.181), known as the Regulatory
3 Review Act.

4 * * *

5 Section 6. Section 501(a), (b), (c), (d), (e) heading and
6 (g) heading of the act are amended and the section is amended by
7 adding subsections to read:

8 Section 501. Licensure.

9 (a) General rule.--Except as provided in subsection (c), an
10 individual may not operate a crane or drill a well, offer
11 himself for employment as an individual who may operate a crane
12 or drill a well or hold himself out as a crane operator or well
13 driller unless licensed by the board.

14 (b) Business entities.--Except as provided in [subsection]
15 subsections (c) and (c.1), an individual, corporation,
16 partnership, firm or other entity shall not employ an individual
17 to operate a crane or drill a well or allow or direct an
18 individual to operate a crane or drill a well unless the
19 individual is licensed under this act.

20 (c) [Trainee] Crane operator trainees.--For purposes of
21 acquiring the experience necessary to obtain certification, a
22 crane operator trainee who has passed a written examination of
23 the National Commission for the Certification of Crane Operators
24 or of a national association deemed equivalent by the board may
25 operate a crane when under the immediate supervision of a crane
26 operator. In order to qualify as a crane operator trainee under
27 this subsection, the individual must be 18 years of age or older
28 and have demonstrated, to the satisfaction of the person
29 employing the crane operator, that the crane operator trainee is
30 physically capable of operating a crane.

1 (c.1) Well driller trainees.--A well driller trainee who is
2 not a licensed well driller may engage in well drilling only if
3 all of the following criteria are met:

4 (1) The well driller trainee works under the immediate
5 supervision of a licensed well driller.

6 (2) The licensed well driller is present at the drilling
7 site while the well driller trainee engages in well drilling.

8 (3) The well driller trainee is not primarily
9 responsible for drilling or operating the drilling apparatus
10 or rig.

11 (4) The licensed well driller directly supervises no
12 more than three well driller trainees at a time and is on-
13 site while supervising.

14 (5) The well driller trainee does not directly contract,
15 bid, advertise or accept payment from the client for
16 drilling.

17 (d) Duty of crane operator and licensed well driller.--When
18 providing immediate supervision to a trainee pursuant to
19 subsection (c) or (c.1), the crane operator or well driller
20 shall have no other duties.

21 (e) [Title] Crane operator title.--* * *

22 (e.1) Well driller title.--An individual who holds a license
23 as a well driller, or is maintained on inactive status under
24 section 504(b), shall have the right to use the title "licensed
25 well driller" and the abbreviation "L.W.D." Except as provided
26 in subsection (c.1), no other individual shall use the title
27 "licensed well driller" or the abbreviation "L.W.D." or hold
28 oneself out as being able to drill a well or as being authorized
29 to drill a well.

30 * * *

1 (g) Specialties of crane operators.---* * *

2 (g.1) Categories of well drillers.--

3 (1) The board shall establish the following categories
4 for well driller licensure:

5 (i) Expert licensed well driller with the title
6 "Expert L.W.D."

7 (ii) Specialized licensed well driller with the
8 title "Specialized L.W.D."

9 (iii) Any other category deemed appropriate by the
10 board.

11 (2) A licensed well driller in a category under
12 paragraph (1)(i) or (ii) may specialize in one or more of the
13 following well types, subject to qualifications under section
14 507:

15 (i) Water well.

16 (ii) Geothermal well.

17 (iii) Geotechnical well.

18 (iv) Environmental well.

19 Section 7. Sections 502 heading, (a) introductory paragraph,
20 (b) and (c)(1) introductory paragraph, 504(a), 505 and 506(a)
21 introductory paragraph of the act are amended to read:

22 Section 502. Qualifications for licensure as crane operator.

23 (a) General rule.--To be eligible to apply for licensure as
24 a crane operator, an applicant must fulfill the following
25 requirements:

26 * * *

27 (b) Renewal of license.--In the case of a crane operator
28 licensee applying for renewal of license where certification
29 will expire before the biennial renewal cycle will expire, the
30 licensee shall submit evidence satisfactory to the board that

1 the licensee has renewed certification. Failure to maintain
2 certification or to submit evidence of renewal of certification
3 shall subject the licensee to disciplinary action. The board
4 shall promulgate regulations setting forth the evidence
5 necessary to demonstrate renewal of certification as provided in
6 this subsection.

7 (c) Convictions prohibited.--

8 (1) The board shall not issue a crane operator license
9 to an individual who has been convicted of a felony under the
10 act of April 14, 1972 (P.L.233, No.64), known as The
11 Controlled Substance, Drug, Device and Cosmetic Act, or an
12 offense under the laws of another jurisdiction which, if
13 committed in this Commonwealth, would be a felony under The
14 Controlled Substance, Drug, Device and Cosmetic Act unless:

15 * * *

16 Section 504. Duration of license.

17 (a) Duration of license.--A license issued pursuant to this
18 act shall be on a biennial basis. The biennial expiration date
19 shall be established by the board in consultation with the
20 commissioner. Application for renewal of a crane operator or
21 well driller license shall biennially be forwarded to an
22 individual holding a current license prior to the expiration
23 date of the current renewal biennium. The application form must
24 indicate whether certification will expire before the biennial
25 renewal cycle will expire.

26 * * *

27 Section 505. Reporting of multiple licensure.

28 A crane operator or well driller who is also licensed to
29 operate a crane or drill a well in any other state, territory,
30 possession of the United States or country shall report this

1 information to the board on the biennial registration
2 application. A licensee shall report any disciplinary action
3 taken in another state, territory, possession of the United
4 States or country to the board on the biennial registration
5 application or within 90 days of final disposition, whichever is
6 sooner. Multiple licensure shall be noted by the board on the
7 crane operator's or well driller's record, and the state,
8 territory, possession or country shall be notified of any
9 disciplinary actions taken by the board against the crane
10 operator or well driller in this Commonwealth.

11 Section 506. License without certification.

12 (a) Eligibility.--For a period commencing on the effective
13 date of regulations promulgated under section 2102 and
14 continuing until December 9, 2011, an individual shall be
15 eligible for licensure as a crane operator without
16 certification, as required by this act, if the individual:

17 * * *

18 Section 8. The act is amended by adding sections to read:

19 Section 507. Qualifications for licensure as well driller.

20 (a) Eligibility.--To be eligible to apply for licensure as a
21 well driller, an applicant must comply with all of the following
22 requirements:

23 (1) Be of good moral character.

24 (2) Be at least 18 years of age.

25 (3) Provide proof of bonding and liability insurance
26 through the applicant's employer or sole proprietorship, as
27 required by section 510.

28 (4) Be affiliated with a registered drilling company.

29 (5) Demonstrate proficiency in drilling techniques for
30 the applicable licensure category and specialty by passing a

1 board-approved examination under section 509, unless applying
2 for licensure under section 508.

3 (6) Pay the fee established by the board.

4 (b) Renewal of license.--In the case of a well driller
5 licensee applying for renewal of license where certification
6 will expire before the biennial renewal cycle will expire, the
7 licensee shall submit evidence satisfactory to the board that
8 the licensee has renewed certification. Failure to maintain
9 certification or submit evidence of renewal of certification
10 shall subject the licensee to disciplinary action. The board
11 shall promulgate regulations providing the evidence necessary to
12 demonstrate renewal of certification as provided in this
13 subsection.

14 (c) Convictions prohibited.--

15 (1) The board shall not issue a well driller license to
16 an individual who has been convicted of a felony under the
17 act of April 14, 1972 (P.L.233, No.64), known as The
18 Controlled Substance, Drug, Device and Cosmetic Act, or an
19 offense under the laws of another jurisdiction which, if
20 committed in this Commonwealth, would be a felony under The
21 Controlled Substance, Drug, Device and Cosmetic Act unless:

22 (i) at least ten years have elapsed from the date of
23 conviction;

24 (ii) the individual satisfactorily demonstrates to
25 the board that the individual has made significant
26 progress in personal rehabilitation since the conviction
27 such that licensure of the individual should not be
28 expected to create a substantial risk of harm to the
29 health and safety of well drillers, trainees or the
30 public or a substantial risk of further criminal

1 violations; and

2 (iii) the individual otherwise satisfies the
3 qualifications provided in this act.

4 (2) An individual's statement on the application
5 declaring the absence of a conviction shall be deemed
6 satisfactory evidence of the absence of a conviction, unless
7 the board has some evidence to the contrary.

8 Section 508. Grandfathering for well drillers.

9 (a) Eligibility.--For the first two years after the
10 effective date of this section, an applicant meeting the
11 requirements under section 507 may apply for licensure without
12 examination if the applicant demonstrates all of the following:

13 (1) For the category of expert licensed well driller:

14 (i) Three professional references from the drilling
15 industry.

16 (ii) Documentation from a drilling company verifying
17 competency in completing at least 50,000 cumulative feet
18 of drilling for each well type identified in section
19 501(g.1)(2) for which the applicant is seeking licensure
20 within the last five years.

21 (iii) Documentation from a drilling company
22 verifying competency in drilling in at least three of the
23 well types identified in section 501(g.1)(2);

24 (2) For the category of specialized licensed well
25 driller:

26 (i) Three professional references from the drilling
27 industry.

28 (ii) Documentation from a drilling company verifying
29 competency in completing at least 30,000 cumulative feet
30 of drilling for the specific well type for which the

1 applicant is seeking licensure within the last five
2 years.

3 (b) Applicability.--The provisions of this section shall not
4 apply two years after the effective date of this section.

5 Section 509. Examination for licensure as well driller.

6 (a) Eligibility.--An applicant for licensure as a well
7 driller shall meet the requirements under section 507 and any
8 additional criteria established by the board to be eligible to
9 take the examination for licensure as a well driller and for the
10 board to consider the results of the examination.

11 (b) Fees.--An applicant for licensure as a well driller
12 shall register for the applicable examination through an
13 authorized provider and pay the appropriate fees.

14 (c) Required examinations.--The board will determine which
15 examinations are applicable for each drilling technique and
16 licensing category or specialty. Applicants are required to take
17 the applicable examinations, as determined by the board, for
18 consideration for licensure.

19 (d) Results.--An applicant for licensure as a well driller
20 shall ensure examination results are submitted to the board with
21 the application.

22 (e) Examinations.--The board shall designate examinations
23 for each drilling technique, licensure category and specialty.
24 The national association, State association or another approved
25 entity shall administer the examinations to demonstrate
26 proficiency in drilling methods, drilling equipment operation,
27 well design and construction, geological formation
28 identification, pump system operation and maintenance and other
29 relevant skills.

30 (f) Passing score.--An applicant for licensure as a well

1 driller shall attain a passing score on the applicable
2 examination, as determined by the board, to be eligible for
3 licensure.

4 Section 510. Bonding and insurance for well drillers.

5 A well driller, as a well owner, contractor or employee of a
6 registered drilling company, shall demonstrate that drilling
7 operations are covered by bonding and liability insurance as
8 established by the board. For modifications of an existing well,
9 a well driller shall not be liable for work completed before the
10 effective date of this section or for work completed by another
11 driller. A well driller shall inform well owners of any
12 structural deficiencies or conditions not meeting professional
13 standards and industry regulations under section 512.

14 Section 511. Continuing education for well drillers.

15 (a) Requirement.--During each biennial renewal period, a
16 well driller shall complete continuing education as established
17 by the board.

18 (b) Approved providers.--The board shall establish criteria
19 for approved course providers based on content, instructor
20 qualifications and recommendations from the national association
21 and the State association.

22 (c) Auditing.--The board shall audit licensed well drillers
23 to verify compliance with continuing education requirements. A
24 well driller must fully respond to audit requests by the board
25 within 30 days of the request or as otherwise specified by the
26 board in the request.

27 (d) Recordkeeping.--A well driller shall maintain records
28 verifying completion of continuing education requirements for
29 five years after completion. In an audit or disciplinary
30 proceeding, the board may infer from a well driller's failure to

1 maintain records as required under this subsection that the well
2 driller did not complete the required continuing education.

3 (e) Implementation.--The board shall implement the auditing
4 criteria under subsection (c) within two years of the effective
5 date of this section.

6 Section 512. Professional standards and industry regulations
7 for well drilling.

8 (a) Compliance.--A well driller shall comply with all
9 applicable Federal, State and local laws and regulations.

10 (b) Building codes.--A well driller shall adhere to relevant
11 provisions of the Chapters 3 and 6 of the International Plumbing
12 Code, including sections 309, 602 and 603, as adopted by
13 Department of Labor and Industry in accordance with Chapter 3 of
14 the act of November 10, 1999 (P.L.491, No.45), known as the
15 Pennsylvania Construction Code Act, and 34 Pa. Code § 403.21
16 (relating to Uniform Construction Code).

17 Section 513. Additional reporting requirements for well
18 drillers.

19 (a) Permits.--A well driller shall obtain and maintain all
20 required permits and certifications before and during well
21 construction or modification in accordance with Federal, State
22 and local laws and regulations.

23 (b) Well testing.--A well driller shall comply with well
24 testing requirements and reporting in accordance with Federal,
25 State and local laws and regulations.

26 (c) Intent to drill.--Within 72 hours of entering a
27 contract, written or oral, to drill a well, a well driller shall
28 submit a notice of intent to drill through PaGWISDriller or
29 another form specified by the Department of Conservation and
30 Natural Resources, including the well owner's name and address,

1 the township and county where the well will be located and the
2 approximate drilling start date. The Department of Conservation
3 and Natural Resources shall share the notice with the department
4 upon request.

5 (d) Completion reports.--Within 10 days of completing a
6 water well or geothermal well, a well driller shall submit a
7 record through PaGWISDriller or another form specified by the
8 Department of Conservation and Natural Resources, which includes
9 the exact geographic location of the well and a log of the well
10 containing a description of materials penetrated, the size and
11 depth, the diameters and lengths of casing and screen installed,
12 the static and pumping level, the yield and any other
13 information pertaining to the construction or operation of the
14 well as required by the Department of Conservation and Natural
15 Resources. The Department of Conservation and Natural Resources
16 shall provide access to the report to the department within 10
17 days of receipt of the report.

18 (e) Decommissioning.--At least 10 days before
19 decommissioning a well, a well driller shall submit a record
20 through PaGWISDriller or another form specified by the
21 Department of Conservation and Natural Resources. The board, in
22 consultation with the Department of Conservation and Natural
23 Resources, shall promulgate regulations for effectively sealing
24 and decommissioning wells.

25 (f) Modifications.--Within 10 days of modifying a well, a
26 licensed well driller shall submit a record of the modification
27 through PaGWISDriller or another form specified by the
28 Department of Conservation and Natural Resources.

29 Section 514. Sampling.

30 (a) Core samples.--Upon receiving a notice of intent to

1 drill from a well driller, the Department of Conservation and
2 Natural Resources may request samples of core cuttings for
3 research within two business days after receiving the notice.

4 The Department of Conservation and Natural Resources shall
5 provide the well driller with containers for the samples.

6 (b) Additional testing.--The Department of Conservation and
7 Natural Resources, in consultation with the Department of
8 Environmental Protection and Department of Health, may recommend
9 additional inspections or tests to ensure public safety and
10 health, establishing protocols and thresholds accordingly.

11 Section 515. Well driller license identification.

12 (a) License contents.--The board shall issue each well
13 driller a license identifying all of the following:

14 (1) The licensee's name.

15 (2) The licensure category and any specialty.

16 (3) The license number.

17 (4) The license expiration date.

18 (b) Possession.--A well driller shall carry a valid and
19 current license while engaging in well drilling and present the
20 license upon request by an authorized official.

21 Section 516. Drilling company and rig registration.

22 (a) Company registration.--A drilling company shall register
23 with the board and employ or contract only with well drillers
24 licensed to conduct well drilling in this Commonwealth.

25 (b) Rig registration.--A drilling company shall register and
26 title each rig with the Department of Transportation in
27 accordance with 75 Pa.C.S. Chs. 11 (relating to certificate of
28 title and security interests) and 49 (relating to size, weight
29 and load).

30 (c) Rig possession.--A well driller shall possess the rig

1 registration while rig is in operation.

2 Section 517. Exemptions.

3 A well driller designated as a prequalified geotechnical
4 drilling contractor under the Department of Transportation's
5 Publication 222, Geotechnical Investigation Manual, shall be
6 exempt from geotechnical well driller licensure requirements for
7 work contracted by the Department of Transportation to
8 specifically drill geotechnical wells or borings.

9 Section 518. Agricultural operations.

10 Nothing in this act shall be construed to apply to functions
11 performed for normal agricultural operations as defined in
12 section 2 of the act of June 10, 1982 (P.L.454, No.133),
13 referred to as the Right-to-Farm Law.

14 Section 9. Section 702(b) (1), (2) and (3) of the act are
15 amended to read:

16 Section 702. Violation of act.

17 * * *

18 (b) Civil penalty.--In addition to any other civil remedy or
19 criminal penalty provided for in this act, the board, by a vote
20 of the majority of the maximum number of the authorized
21 membership of the board as provided by law or by a vote of the
22 majority of the duly qualified and confirmed membership or a
23 minimum of five members, whichever is greater, may levy a civil
24 penalty of up to \$1,000 on any of the following:

25 (1) A crane operator or well driller who violates a
26 provision of this act.

27 (2) An individual who operates a crane or drills a well
28 in violation of this act.

29 (3) An individual who holds himself out as a crane
30 operator or well driller without being properly licensed as

1 provided in this act. This paragraph shall not apply to a
2 trainee under section 501(c).

3 * * *

4 Section 10. Section 703(a)(1), (2), (4)(i), (7) and (10) and
5 (b) introductory paragraph of the act are amended and subsection
6 (a) is amended by adding a paragraph to read:

7 Section 703. Refusal, suspension or revocation of license.

8 (a) General rule.--The board may refuse, suspend or revoke a
9 license in a case where the board finds:

10 (1) The licensee is negligent or incompetent in
11 operating a crane or drilling a well.

12 (2) The licensee is unable to operate a crane or drill a
13 well with reasonable skill and safety by reason of mental or
14 physical illness or condition or physiological or
15 psychological dependence upon alcohol, hallucinogenic or
16 narcotic drugs or other drugs which tend to impair judgment
17 or coordination, so long as such dependence shall continue.
18 In enforcing this paragraph, the board shall, upon probable
19 cause, have authority to compel a licensee to submit to a
20 mental or physical examination as designated by the board.
21 After notice, hearing, adjudication and appeal failure of a
22 licensee to submit to such examination when directed shall
23 constitute an admission of the allegations unless failure is
24 due to circumstances beyond the licensee's control,
25 consequent upon which a default and final order may be
26 entered without the taking of testimony or presentation of
27 evidence. A licensee affected under this paragraph shall at
28 reasonable intervals be afforded the opportunity to
29 demonstrate that the licensee can resume competent, safe and
30 skillful operation of a crane or drilling of a well.

1 * * *

2 (4) The licensee has committed fraud or deceit in:

3 (i) the operation of a crane or the drilling of a
4 well; or

5 * * *

6 (7) With respect to the operation of a crane or the
7 drilling of a well, the licensee has acted in such a manner
8 as to present an immediate and clear danger to health, safety
9 or property.

10 * * *

11 (10) The licensee falsely advertised or made misleading,
12 deceptive, untrue or fraudulent material representations
13 regarding licensure, certification or operation of a crane or
14 the drilling of a well.

15 (11) The well driller licensee has failed to comply with
16 relevant provisions of Chapters 3 and 6 of the International
17 Plumbing Code, including sections 309, 602 and 603, as
18 adopted by the Department of Labor and Industry in accordance
19 with Chapter 3 of the act of November 10, 1999 (P.L.491,
20 No.45), known as the Pennsylvania Construction Code Act, and
21 34 Pa. Code § 403.21 (relating to Uniform Construction Code).

22 (b) Acts authorized.--When the board finds that the license
23 of crane operator or well driller may be refused, revoked or
24 suspended pursuant to subsection (a), the board may:

25 * * *

26 Section 11. Section 705 of the act is amended to read:

27 Section 705. Temporary and automatic suspensions.

28 (a) General rule.--A license issued under this act may be
29 temporarily suspended under circumstances determined by the
30 board to be an immediate and clear danger to public health or

1 safety. The board shall issue an order to that effect without a
2 hearing, but upon due notice, to the licensee concerned at the
3 licensee's last known address, which shall include a written
4 statement of all allegations against the licensee. The
5 provisions of section 704 shall not apply to temporary
6 suspension. Formal action to suspend, revoke or restrict the
7 license of the crane operator or well driller shall be commenced
8 as otherwise provided for in this act. All actions shall be
9 taken promptly and without delay. Within 30 days following the
10 issuance of an order temporarily suspending a license, the board
11 shall conduct or cause to be conducted a preliminary hearing to
12 determine that there is a prima facie case supporting the
13 suspension. The crane operator or well driller whose license has
14 been temporarily suspended may be present at the preliminary
15 hearing and may be represented by counsel, cross-examine
16 witnesses, inspect physical evidence, call witnesses, offer
17 evidence and testimony and make a record of the proceedings. If
18 it is determined that there is not a prima facie case, the
19 suspended license shall be immediately restored. The temporary
20 suspension shall remain in effect until vacated by the board,
21 but in no event longer than 180 days.

22 (b) Commitment of crane operator or well driller.--A license
23 issued under this act shall automatically be suspended upon the
24 legal commitment of a crane operator or well driller to an
25 institution because of mental incompetency from any cause upon
26 filing with the board a certified copy of such commitment,
27 conviction of a felony under the act of April 14, 1972 (P.L.233,
28 No.64), known as The Controlled Substance, Drug, Device and
29 Cosmetic Act, or conviction of an offense under the laws of
30 another jurisdiction, which, if committed in Pennsylvania, would

1 be a felony under The Controlled Substance, Drug, Device and
2 Cosmetic Act. Automatic suspension under this subsection shall
3 not be stayed pending an appeal of a conviction. Restoration of
4 the license shall be made as provided in the case of revocation
5 or suspension of a license.

6 Section 12. Repeals are as follows:

7 (1) The General Assembly declares that the repeal under
8 paragraph (2) is necessary to effectuate this act.

9 (2) The act of May 29, 1956 (1955 P.L.1840, No.610),
10 known as the Water Well Drillers License Act, is repealed.

11 Section 13. This act shall take effect in 60 days.

HOUSE OF REPRESENTATIVES

DEMOCRATIC COMMITTEE BILL ANALYSIS

Bill No:	HB2302 PN3025	Prepared By:	Joseph Brett (717) 772-4031
Committee:	Professional Licensure	Executive Director:	Kari Orchard
Sponsor:	Takac, Paul		
Date:	3/20/2026		

A. Brief Concept

Licenses water, geotechnical, geothermal and environmental well drillers.

C. Analysis of the Bill

HB 2302 amends the Crane Operators Act to license water, geothermal, geotechnical and environmental well drillers under the State Board of Crane Operators, thus creating a new State Board of Crane Operators and Well Drillers.

Definitions

The following definitions are added to the practice act:

"Decommissioning." The process of sealing and permanently closing an inactive, abandoned or unusable water well, geotechnical well, geothermal well or environmental well.

"Environmental well." A cased excavation or opening into the ground created by digging, boring, drilling, driving, jetting or any other method to obtain a sample of groundwater or soil for environmental or geological investigation, research or remediation, where the depth is likely to penetrate the water table. The term includes a piezometer or observation well installed for a purpose not specified in this definition. The term does not include a well installed to provide a supply of potable water.

"Geotechnical well." A well drilled to collect rock and soil samples or to assess soil or rock stability for geotechnical investigations related to site analysis for construction suitability.

"Geothermal well." A boring or cased hole that utilizes the geothermal properties of water to provide heating or cooling through an open-loop or closed-loop groundwater heat pump system. The term does not include a boring or cased hole utilized in an electric generating geothermal system.

"Groundwater." Water occurring in underground streams, channels, artesian basins, reservoirs, lakes or other subsurface formations, whether percolating or otherwise.

"Modifying." Altering the physical construction of an existing well after initial completion, including development, redevelopment or reconditioning of an existing well.

"National association." The National Ground Water Association.

"Registered drilling company." A business entity, including a corporation, partnership, sole proprietorship, limited liability company, business trust or other association, estate, trust or foundation, which is registered with the department and employs licensed well drillers to drill or construct a well or boring.

"Rig." Equipment used for drilling, boring, coring, washing, jetting, driving or digging earth materials or for lifting and installing well and pump equipment.

"State association." The Pennsylvania Ground Water Association.

"Water well." An excavation or boring constructed by drilling, digging, boring, coring, washing, driving, jetting or other methods to locate, divert or acquire groundwater for purposes including human consumption, irrigation, industrial processes, heating, cooling, groundwater dewatering, investigation, monitoring, testing or remediation.

"Well driller." An individual licensed under this act to drill, dig, drive, bore, core, wash, jet, construct, alter, decommission or repair a water well, geothermal well, environmental well or geotechnical well. The term does not include an individual who drills, constructs, modifies or decommissions an oil or natural gas well regulated under 58 Pa.C.S. Ch. 32 (relating to development), the act of July 25, 1961 (P.L.825, No.359), known as the Oil and Gas Conservation Law, or the act of December 18, 1984 (P.L.1069, No.214), known as the Coal and Gas Resource Coordination Act.

"Well owner." An individual or entity owning land on which a well or boring is constructed, modified or decommissioned.

The term "well driller" is added to definitions that define the supervision of training and supervision of crane operators where applicable.

Establishment of the Board

This bill establishes the State Board of Crane Operators **and Well Drillers**.

Four professional well driller members, including two water well drillers, one geotechnical well driller and one geothermal well driller, who have been actively engaged in well drilling in Pennsylvania for at least five years, will be added to the composition of this board. They do not need to be licensed at the time of appointment but must satisfy all requirements for licensure.

The Secretary of Conservation and Natural Resources, or a designee, will serve as an ex officio nonvoting member.

The board shall meet within 30 days of the appointment of these new members.

This bill also allows for members of the board to constitute a quorum by attending meetings virtually.

Powers of the Board

The board's authority is expanded to include well drillers. It adds licensing and regulatory oversight for individuals engaged in well drilling, giving the board the power to set standards, adopt regulations, and collect fees for well drillers in the same way it does for crane operators.

Requirements for Licensure

Under this bill, an individual may not drill a well, offer themselves for employment to drill a well, or hold themselves out as a well driller unless licensed by the board. An individual, corporation, partnership, firm or other entity shall not employ an individual to drill a well unless they are licensed.

Trainees may participate in well drilling under immediate, on-site supervision of a licensed well driller, and cannot be primarily responsible for drilling. There is a limit of three trainees per supervisor, and trainees cannot independently contract, bid, or accept payment for drilling work.

Titles and Duties

Only individuals who are licensed (or on inactive status) may use the title "licensed well driller" or the abbreviation "L.W.D."

The board shall establish the licensure categories Expert L.W.D. and Specialized L.W.D. and has the ability to establish any other category they deem appropriate. Licensed well drillers may

specialize in one or more specific well types, specifically water wells, geothermal wells, geotechnical wells, and environmental wells.

Qualifications for Licensure

Applicants must:

1. Be at least 18 and of good moral character.
2. Have bonding and liability insurance.
3. Be affiliated with a registered drilling company.
4. Demonstrate proficiency in drilling techniques via a board-approved exam (except for certain grandfathered applicants).
5. Pay the board's fee.

Licensees must maintain certification; failure to do so can result in disciplinary action. Felony convictions related to controlled substances prevent licensure unless ten years have passed, rehabilitation is shown, and all other qualifications are met. Applicants must honestly declare convictions.

Legacy Eligibility

For the first two years, applicants can get licensed without taking the exam if they:

- Provide professional references.
- Document significant prior drilling experience (minimum feet drilled and number of well types).

After two years, all applicants must pass the exam.

Examination

The board establishes required exams for each drilling technique, category, and specialty. Examinations cover drilling methods, equipment, well design, geology, pump systems, and other skills. Passing the applicable exam is required for licensure.

Bonding and Insurance

Well drillers must ensure operations are covered by bonding and liability insurance. Drillers are not liable for prior work done before the effective date or by another driller. Drillers must inform well owners of structural deficiencies or noncompliance with standards.

Continuing Education

Biennial continuing education is required. The board sets criteria for approved providers and audits compliance. Records of completion must be kept for five years. Noncompliance may be inferred if records are missing.

Professional Standards

Well drillers must comply with federal, state, and local laws, including building codes (International Plumbing Code and Pennsylvania Construction Code Act).

Reporting Requirements

Well drillers must:

- Obtain all necessary permits.
- Comply with well testing and reporting requirements.
- Submit notice of intent to drill within 72 hours.
- Submit completion reports within 10 days after drilling.

- Report well decommissioning at least 10 days before.
- Submit modification records within 10 days.

Sampling

Department of Conservation and Natural Resources (DCNR) may request core samples for research. Additional inspections/tests may be recommended by DCNR in consultation with DEP and Health to ensure safety.

Licensure Identification

Licenses must include name, category, specialty, license number, and expiration date. The license must be carried while drilling and presented upon request.

Company and Rig Registration

- Drilling companies must register with the board.
- Rigs must be registered with the Department of Transportation.
- Drillers must possess the rig registration while operating.

Exemptions

Prequalified geotechnical drilling contractors under PennDOT's Publication 222 are exempt from geotechnical well driller licensure for DOT projects.

Agricultural Operations

Normal agricultural operations (per the Right-to-Farm Law) are exempt from the act.

Effective Date:

This act shall take effect in 60 days.

G. Relevant Existing Laws

The **Water Well Drillers Act of May 29, (1956) 1955, P.L. 1840, No. 610** established licensure for water well drillers in Pennsylvania. However, there are no competency-based requirements for this license. There are no exam, formal education, or experience requirements. There is an annual fee, as well as a fee per drilling rig.

In addition, each drilling rig requires a separate permit, and the operator must carry the permit while drilling.

E. Prior Session (Previous Bill Numbers & House/Senate Votes)

This bill was not introduced in previous sessions.

This document is a summary of proposed legislation and is prepared only as general information for use by the Democratic Members and Staff of the Pennsylvania House of Representatives. The document does not represent the legislative intent of the Pennsylvania House of Representatives and may not be utilized as such.