

1 **INTERSTATE MASSAGE THERAPY COMPACT**

2 **ARTICLE 1- PURPOSE**

3 The purpose of this Compact is to reduce the burdens on State governments and to facilitate  
4 the interstate practice and regulation of Massage Therapy with the goal of improving public  
5 access to, and the safety of, Massage Therapy Services. Through this Compact, the Member  
6 States seek to establish a regulatory framework which provides for a new multistate licensing  
7 program. Through this additional licensing pathway, the Member States seek to provide  
8 increased value and mobility to licensed massage therapists in the Member States, while  
9 ensuring the provision of safe, effective, and reliable services to the public.

10 This Compact is designed to achieve the following objectives, and the Member States hereby  
11 ratify the same intentions by subscribing hereto:

- 12 A. Increase public access to Massage Therapy Services by providing for a multistate  
13 licensing pathway;
- 14 B. Enhance the Member States’ ability to protect the public’s health and safety, and  
15 prevent criminal activity within the profession;
- 16 C. Encourage the cooperation of Member States in regulating the multistate Practice of  
17 Massage Therapy;
- 18 D. Support spouses of relocating military members;
- 19 E. Facilitate and enhance the exchange of licensure, investigative, and disciplinary  
20 information between the Member States;
- 21 F. Create an Interstate Commission that will exist to effectuate the Compact;
- 22 G. Provide for meaningful dispute resolution while allowing a Member State to hold a  
23 Licensee accountable, even where that Licensee holds a Multistate License;
- 24 H. Create a streamlined pathway for Licensees to practice in Member States, thus  
25 increasing the mobility of duly licensed massage therapists; and
- 26 I. To serve the needs of licensed massage therapists and the public receiving their  
27 services; however
- 28 J. Nothing in this Compact is intended to prevent a State from enforcing its own laws.

29 **ARTICLE 2- DEFINITIONS**

30 As used in this Compact, except as otherwise provided and subject to clarification by the  
31 Rules of the Commission, the following definitions shall govern the terms herein:  
32

- 42 A. "Active Duty Military" - any individual in full-time duty status in the active uniformed  
43 service of the United States including members of the National Guard and Reserve.  
44
- 45 B. "Adverse Action" - any administrative, civil, equitable, or criminal action permitted by a  
46 Member State's laws which is imposed by a Licensing Authority or other regulatory body  
47 against a Licensee, including actions against an individual's licensure privilege such as  
48 revocation, suspension, probation, monitoring of the Licensee, limitation of the Licensee's  
49 practice, or any other Encumbrance on licensure affecting an individual's ability to practice  
50 Massage Therapy, including the issuance of a cease and desist order.  
51
- 52 C. "Alternative Program" - a non-disciplinary monitoring or prosecutorial diversion program  
53 approved by a Member State's Licensing Authority.  
54
- 55 D. "Background Check" - the included but not limited to applicant's criminal history record  
56 information, as further defined in 28 C.F.R. § 20.3(d), as amended.. from the Federal Bureau  
57 of Investigation and the agency responsible for retaining State criminal records in the  
58 applicant's Home State.  
59
- 60 E. "Commission" - the government agency whose membership consists of all States that have  
61 enacted this Compact, which is known as the Interstate Massage Therapy Compact  
62 Commission, as defined in Article VIII, and which shall operate as an instrumentality of the  
63 Member States.  
64
- 65 F. "Current Significant Investigative Information" - Investigative Information that a Licensing  
66 Authority, after an inquiry or investigation that complies with a Member State's due process  
67 requirements, has reason to believe is not groundless and, if proved true, would indicate a  
68 violation of that State's laws regarding the Practice of Massage Therapy.  
69
- 70 G. "Data System" -a repository of information about Licensees, which may include but is not  
71 limited to license status, Investigative Information, and Adverse Actions.  
72
- 73 H. "Disqualifying Event" - any event which shall disqualify an individual from holding a  
74 Multistate License under this Compact, which the Commission may by Rule specify.  
75
- 76 I. "Encumbrance" - a revocation or suspension of, or any limitation or condition on, the full  
77 and unrestricted Practice of Massage Therapy by a Licensing Authority.  
78
- 79 J. "Executive Committee" - a group of directors elected or appointed to act on behalf of, and  
80 within the powers granted to them by, the Commission.  
81
- 82 K. "Home State" - means the Member State which is a Licensee's primary state of residence.  
83
- 84 L. "Investigative Information" - information, records, and/or documents received or generated  
85 by a Licensing Authority pursuant to an investigation or other inquiry.  
86

- 87 M. “Licensing Authority” - a State’s regulatory body responsible for issuing Massage Therapy  
88 licenses or otherwise overseeing the Practice of Massage Therapy in that State.  
89
- 90 N. “Licensee” - an individual who currently holds an authorization from a Member State to fully  
91 practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or  
92 other similar status.  
93
- 94 O. “Massage Therapy”, “Massage Therapy Services”, and the “Practice of Massage Therapy” -  
95 the care and services provided by a Licensee as set forth in the Member State’s statutes and  
96 regulations in the State where the services are being provided.  
97
- 98 P. “Member State” - any State that has adopted this Compact.  
99
- 100 Q. “Multistate License” - a license to practice Massage Therapy in all Member States issued by  
101 the Commission, acting on behalf of the Member States, pursuant to this Compact, and shall  
102 be subject to the enforcement jurisdiction of the Licensing Authority in a Licensee’s Home  
103 State.  
104
- 105 R. “Remote State” - any Member State, other than the Licensee’s Home State.  
106
- 107 S. “Rule” - any opinion or regulation promulgated by the Commission under this Compact,  
108 which shall have the force of law.  
109
- 110 T. “Single-State License” - a Massage Therapy license issued by a Member State that authorizes  
111 practice only within the issuing State and does not include any authorization to practice  
112 Massage Therapy outside of the issuing State.  
113
- 114 U. “State” - a state, territory, possession of the United States, or the District of Columbia.  
115
- 116 V. “State Practice Laws” - a Member State’s laws, rules, and regulations that govern the  
117 Practice of Massage Therapy, define the scope of such practice, and create the methods and  
118 grounds for imposing discipline.  
119
- 120 W. “Unencumbered License” - means a current, valid authorization issued by a Member State’s  
121 Licensing Authority allowing an individual to fully practice Massage Therapy. An  
122 Unencumbered License is not a restricted, student, provisional, temporary, or inactive  
123 practice authorization.

### 124 **ARTICLE 3- MEMBER STATE REQUIREMENTS**

- 125 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State  
126 must currently:  
127
- 128 1. License and regulate the Practice of Massage Therapy;  
129
  - 130 2. Have a mechanism or entity in place to receive and investigate complaints about  
131 Licensees practicing in that State;

- 132  
133 3. Require that Licensees within the State pass a national licensure examination prior to  
134 being licensed to provide Massage Therapy Services to the public in that State;  
135  
136 4. Require that Licensees satisfy educational requirements prior to being licensed to provide  
137 Massage Therapy Services to the public in that State;  
138  
139 5. Implement procedures for considering the Background Check of applicants for licensure,  
140 and for the reporting of any Disqualifying Events;  
141  
142 6. Participate in the Data System, including through the use of unique identifying numbers  
143 as described herein;  
144  
145 7. Notify the Commission and other Member States, in compliance with the terms of the  
146 Compact and Rules of the Commission, of any disciplinary action taken by the State  
147 against a Licensee in that State, or of the availability of Investigative Information  
148 regarding a Licensee practicing in that State;  
149  
150 8. Delegate authority to the Commission on behalf of the Member State to determine  
151 eligibility for a Multistate License under the Compact;  
152  
153 9. Comply with such Rules as may be enacted by the Commission to administer the  
154 Compact;  
155  
156 10. Accept Licensees from other Member States as established herein;  
157  
158 B. Individuals not residing in a Member State shall continue to be able to apply for a Member  
159 State's Single-State License as provided under the laws of each Member State. However, the  
160 Single-State License granted to those individuals shall not be recognized as granting a  
161 Multistate License for Massage Therapy in any other Member State;  
162  
163 C. Nothing in this Compact shall affect the requirements established by a Member State for the  
164 issuance of a Single-State License; and  
165  
166 D. A Multistate License issued to a Licensee by the Commission shall be recognized by each  
167 Member State as authorizing a Licensee to practice Massage Therapy in each Member State.  
168

169 **ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS**

- 170 A. Upon the receipt of an application for a Multistate License, according to the Rules of the  
171 Commission, the Commission shall ascertain whether the applicant meets the requirements  
172 for a Multistate License under this Compact using any and all information available to the  
173 Commission, including, but not limited to, information uploaded to the Data System by the  
174 applicant's Home State.  
175

- 176 B. If an applicant meets the requirements for a Multistate License under this Compact and any  
177 Rules of the Commission, the Commission, acting on behalf of the Member States, shall  
178 grant a Multistate License to that applicant, and inform all Member States of the grant of said  
179 Multistate License.  
180
- 181 C. A Multistate License to practice Massage Therapy issued by the Commission, acting on  
182 behalf of the Member States, shall be recognized by each Member State as authorizing a  
183 Licensee to practice as though that Licensee holds a license to do so in each Member State,  
184 subject to the restrictions herein.  
185
- 186 D. A Multistate License granted pursuant to this Compact may be effective for a definite period  
187 of time, which the Commission may by Rule define.  
188
- 189 E. To qualify for a Multistate License under this Compact, and to maintain eligibility for such a  
190 license, an applicant must:  
191
- 192 1. Hold an active, unencumbered license to practice Massage Therapy in the applicant's  
193 Home State;  
194
  - 195 2. Have an active and unique identifying number, as determined by the Rules of the  
196 Commission;  
197
  - 198 3. Have completed at least six hundred and twenty-five (625) clock hours of Massage  
199 Therapy education, as approved under the laws of the applicant's Home State, or that  
200 Home State's Licensing Authority, or which the Commission may otherwise approve by  
201 Rule. Licensees holding an active and unencumbered license may be exempted from this  
202 requirement, as provided for by the Rules of the Commission;  
203
  - 204 4. Have passed a national licensing examination developed and administered by a national  
205 association of Massage Therapy regulatory boards or as otherwise approved by  
206 Commission Rule;  
207
  - 208 5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a  
209 felony offense under applicable State or federal criminal law, within five (5) years prior  
210 to the date of their application, where such a time period shall not include any time  
211 served for the offense, and provided that the applicant has completed any and all  
212 requirements arising as a result of any such offense;  
213
  - 214 6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a  
215 misdemeanor offense related to the Practice of Massage Therapy under applicable State  
216 or federal criminal law, within two (2) years prior to the date of their application where  
217 such a time period shall not include any time served for the offense, and provided that the  
218 applicant has completed any and all requirements arising as a result of any such offense;  
219

- 220 7. Have not previously held a Massage Therapy license which was revoked by, or  
221 surrendered to, an applicable Licensing Authority;  
222
- 223 8. Have no history of any Adverse Action taken by applicant's Home State Licensing  
224 Authority within two (2) years prior to the date of their application;  
225
- 226 9. Have not been convicted or found guilty, or have entered into an agreed disposition, of  
227 any offense, whether a misdemeanor or a felony, under state or federal law, at any time,  
228 relating to any of the following:  
229 a. Kidnapping;  
230 b. Human trafficking;  
231 c. Human smuggling;  
232 d. Sexual battery; or  
233 e. Any other category of offense which the Commission may by Rule designate.  
234
- 235 10. Pay all required fees related to the application and verification or certification process,  
236 and any other fees which the Commission may by Rule require; and  
237
- 238 11. Comply with any and all other requirements which the Commission may by Rule  
239 provide.  
240
- 241 F. A Licensee practicing in a Member State must comply with State Practice Laws of the State  
242 in which Massage Therapy Services are provided, and all other applicable laws of that State.  
243
- 244 G. The Practice of Massage Therapy under a Multistate License granted pursuant to this  
245 Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts,  
246 and the laws of the Member State in which the Massage Therapy Services are provided.  
247

248 **ARTICLE 5- PARALLEL AUTHORITY OF INTERSTATE MASSAGE THERAPY**  
249 **COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES**

- 250 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,  
251 restrict, or in any way reduce the ability of a Member State to enact and enforce laws,  
252 regulations, or other rules related to the Practice of Massage Therapy in that State, where  
253 those laws, regulations, or other rules are not inconsistent with the provisions of this  
254 Compact.  
255
- 256 B. Insofar as practical, a Member State's Licensing Authority shall cooperate with the  
257 Commission and with each entity exercising independent regulatory authority over the  
258 Practice of Massage Therapy according to the provisions of this Compact.  
259
- 260 C. Licensees practicing in a Member State under a Multistate License shall be subject to both  
261 the Rules and requirements of the Commission and those of the Member State in which  
262 Massage Therapy Services are being provided.  
263

264 D. An Adverse Action by the Commission on behalf of a Member State against a Licensee,  
265 including the denial, suspension, surrender in lieu of discipline, or revocation of a Multistate  
266 License, shall in no way limit a Member State’s authority to grant a Single-State License to  
267 that Licensee or otherwise regulate such licenses.

268

269 **ARTICLE 6- ADVERSE ACTIONS**

270 A. A Home State shall have exclusive power to impose Adverse Action against a Single-State  
271 License issued by the Home State. A Multistate License shall not allow a Licensee to offer  
272 Massage Therapy Services in a State where they are otherwise prohibited from doing so by a  
273 Member State’s Licensing Authority.

274

275 B. A Home State may take Adverse Action on a Single-State License based on the Investigative  
276 Information of a Remote State, so long as the Home State follows its own procedures for  
277 imposing Adverse Action.

278

279 C. A Home State shall retain authority to complete any pending investigations of a Licensee  
280 who changes their Home State during the course of such an investigation. The Licensing  
281 Authority shall also be empowered to report the results of such an investigation to the  
282 Commission through the Data System as described herein.

283

284 D. Any Member State may investigate actual or alleged violations of the State Practice Laws in  
285 any other Member State for a massage therapist who holds a Multistate License.

286

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

288

289 1. Take Adverse Actions against a Licensee’s Multistate License;

290

291 2. Issue cease and desist orders or impose an Encumbrance on a Licensee’s Multistate  
292 License.

293

294 3. Issue subpoenas for both hearings and investigations that require the attendance and  
295 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a  
296 Licensing Authority in a Member State for the attendance and testimony of witnesses or  
297 the production of evidence from another Member State shall be enforced in the latter  
298 State by any court of competent jurisdiction, according to the practice and procedure of  
299 that court applicable to subpoenas issued in proceedings before it. The issuing Licensing  
300 Authority shall pay any witness fees, travel expenses, mileage, and other fees required by  
301 the service statutes of the State in which the witnesses or evidence are located.

302

303 4. Obtain and submit, for each Licensee and applicant, fingerprint or other biometric-based  
304 information to the Federal Bureau of Investigation for Background Checks; receive the  
305 results of the Federal Bureau of Investigation record search on Background Checks; and  
306 use the results of such a Background Check in making licensure decisions.

- 307  
308 5. If otherwise permitted by State law, recover from the affected Licensee the costs of  
309 investigations and disposition of cases resulting from any Adverse Action taken against  
310 that Licensee.  
311  
312 6. Take Adverse Action based on the factual findings of another Member State, provided  
313 that the Licensing Authority follows its own procedures for taking such Adverse Action  
314
- 315 F. Commission Authority Following Adverse Action  
316 1. In the event that a Licensee's Single-State License to Practice Massage Therapy is  
317 suspended or revoked by the Home State's Licensing Authority, the Commission, acting  
318 on behalf of the Member States, shall suspend or revoke that Licensee's Multistate  
319 License, as appropriate, until such time as said Licensing Authority should reinstate the  
320 Licensee's Single-State License.  
321  
322 2. If Adverse Action is taken by a Remote State against a Licensee's Multistate License to  
323 practice in that State, the Commission, as authorized by the Member States, may suspend,  
324 revoke, or otherwise restrict that Licensee's Multistate License based on the Remote  
325 State's Adverse Action, and no further justification or proof shall be required.  
326  
327 3. Such an action from the Commission shall be reflected in a disciplinary order, which  
328 shall include a statement that the Licensee's Multistate License is suspended in all  
329 Member States during the pendency of the order.  
330
- 331 G. Nothing in this Compact shall override a Member State's authority to accept a Licensee's  
332 participation in an Alternative Program in lieu of Adverse Action. A Licensee's Multistate  
333 License shall be suspended for the duration of the Licensee's participation in any Alternative  
334 Program.  
335
- 336 H. Joint Investigations  
337  
338 1. In addition to the authority granted to a Member State by its respective State Practice  
339 Laws other applicable State law, a Member State may participate with other Member  
340 States in joint investigations of Licensees.  
341  
342 2. Member States shall share any investigative, litigation, or compliance materials in  
343 furtherance of any joint or individual investigation initiated under the Compact.  
344

345 **ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES**

346 Active Duty Military personnel, or their spouses, shall designate a Home State where the  
347 individual has a current license to practice Massage Therapy in good standing. The individual  
348 may retain their Home State designation during any period of service when that individual is on  
349 active duty assignment.



350 **ARTICLE 8- ESTABLISHMENT OF THE INTERSTATE MASSAGE THERAPY**  
351 **COMPACT COMMISSION**

352 A. The Compact Member States hereby create and establish a joint government agency whose  
353 membership consists of all member states that have enacted the compact known as the  
354 Interstate Massage Therapy Compact Commission. The Commission is an instrumentality of  
355 the Compact States acting jointly and not an instrumentality of any one state.

356 B. Membership, Voting, and Meetings

357 1. Each Member State shall have and be limited to one (1) delegate selected by that Member  
358 State's Licensing Authority.

359 2. The delegate shall be the primary officer of the Licensing Authority or their designee.

360 3. The Commission may recommend removal or suspension any delegate from office.

361 4. A Member State's State Licensing Authority shall fill any vacancy of its delegate  
362 occurring on the Commission within 60 days of the vacancy.

363 5. Each delegate shall be entitled to one vote on all matters before the Commission  
364 requiring a vote by Commission delegates.

365 6. A delegate shall vote in person or by such other means as provided in the bylaws. The  
366 bylaws may provide for delegates to meet by telecommunication, videoconference, or  
367 other means of communication.

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

371 C. The Commission shall have the following powers:

372 1. Establish the fiscal year of the Commission;

373 2. Establish code of conduct and conflict of interest policies;

374 3. Establish and amend Rules and bylaws;

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

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

378 6. Initiate and conclude legal proceedings or actions in the name of the Commission,  
379 provided that the standing of any State Licensing Board to sue or be sued under  
380 applicable law shall not be affected;

381 7. Purchase and maintain insurance and bonds;

- 382 8. Borrow, accept, or contract for services of personnel, including, but not limited to,  
383 employees of a Member State;
- 384 9. Conduct an annual financial review
- 385 10. Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
386 individuals appropriate authority to carry out the purposes of the Compact, and establish  
387 the Commission's personnel policies and programs relating to conflicts of interest,  
388 qualifications of personnel, and other related personnel matters;
- 389 11. Assess and collect fees;
- 390 12. Accept any and all appropriate gifts, donations, grants of money, other sources of  
391 revenue, equipment, supplies, materials, and services, and to receive, utilize, and dispose  
392 of the same; provided that at all times the Commission shall avoid any appearance of  
393 impropriety and/or conflict of interest;
- 394 13. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,  
395 or any undivided interest therein;
- 396 14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
397 property real, personal, or mixed;
- 398 15. Establish a budget and make expenditures;
- 399 16. Borrow money;
- 400 17. Appoint committees, including standing committees, composed of members, State  
401 regulators, State legislators or their representatives, and consumer representatives, and  
402 such other interested persons as may be designated in this Compact and the bylaws;
- 403 18. Provide and receive information from, and cooperate with, law enforcement agencies;
- 404 19. Establish and elect an Executive Committee, including a chair and a vice chair;
- 405 20. Determine whether a State's adopted language is materially different from the model  
406 compact language such that the State would not qualify for participation in the Compact;  
407 and
- 408 21. Perform such other functions as may be necessary or appropriate to achieve the purposes  
409 of this Compact.

410 D. The Executive Committee

- 411 1. The Executive Committee shall have the power to act on behalf of the Commission  
412 according to the terms of this Compact. The powers, duties, and responsibilities of the  
413 Executive Committee shall include:

- 414 a. Oversee the day-to-day activities of the administration of the compact including  
415 enforcement and compliance with the provisions of the compact, its Rules and  
416 bylaws, and other such duties as deemed necessary;
- 417 b. Recommend to the Commission changes to the Rules or bylaws, changes to this  
418 Compact legislation, fees charged to Compact Member States, fees charged to  
419 licensees, and other fees;
- 420 c. Ensure Compact administration services are appropriately provided, including by  
421 contract;
- 422 d. Prepare and recommend the budget;
- 423 e. Maintain financial records on behalf of the Commission;
- 424 f. Monitor Compact compliance of Member States and provide compliance reports to  
425 the Commission;
- 426 g. Establish additional committees as necessary;
- 427 h. Exercise the powers and duties of the Commission during the interim between  
428 Commission meetings, except for adopting or amending Rules, adopting or amending  
429 bylaws, and exercising any other powers and duties expressly reserved to the  
430 Commission by Rule or bylaw; and
- 431 i. Other duties as provided in the Rules or bylaws of the Commission.
- 432 2. The Executive Committee shall be composed of seven members:
- 433 a. The chair and vice chair of the Commission shall be voting members of the Executive  
434 Committee; and
- 435 b. The Commission shall elect seven voting members from the current membership of  
436 the Commission.
- 437 c. The Commission may elect ex-officio, nonvoting members as necessary. The  
438 Commission's bylaws shall identify qualifying organizations and the manner of  
439 appointment.
- 440 3. The Commission may remove any member of the Executive Committee as provided in  
441 the Commission's bylaws.
- 442 4. The Executive Committee shall meet at least annually.
- 443 a. Executive Committee meetings shall be open to the public, except that the Executive  
444 Committee may meet in a closed, non-public meeting as provided in subsection F.2  
445 below.

- 446 b. The Executive Committee shall give ten days' notice of its meetings, posted on its  
447 website and as determined to provide notice to persons with an interest in the business  
448 of the Commission.
- 449 c. The Executive Committee may hold a special meeting in accordance with subsection  
450 F.1.b. below.
- 451 E. The Commission shall adopt and provide to the Member States an annual report.
- 452 F. Meetings of the Commission
- 453 1. All meetings shall be open to the public, except that the Commission may meet in a  
454 closed, non-public meeting as provided in subsection F.2 below.
- 455 a. Public notice for all meetings of the full Commission of meetings shall be given in the  
456 same manner as required under the Rulemaking provisions in Section 11, except that  
457 the Commission may hold a special meeting as provided in subsection F.1.b below.
- 458 b. The Commission may hold a special meeting when it must meet to conduct  
459 emergency business by giving [24, 48, or other] hours' notice to all commissioners, on  
460 the Commission's website, and other means as provided in the Commission's rules.  
461 The Commission's legal counsel shall certify that the Commission's need to meet  
462 qualifies as an emergency.
- 463 2. The Commission or the Executive Committee or other committees of the Commission  
464 may convene in a closed, non-public meeting for the Commission or Executive  
465 Committee or other committees of the Commission to receive legal advice or to discuss:
- 466 a. Non-compliance of a Member State with its obligations under the Compact;  
467 b. The employment, compensation, discipline or other matters, practices or procedures  
468 related to specific employees;  
469 c. Current or threatened discipline of a Licensee by the Commission or by a Member  
470 State's Licensing Board;  
471 d. Current, threatened, or reasonably anticipated litigation;  
472 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
473 estate;  
474 f. Accusing any person of a crime or formally censuring any person;  
475 g. Trade secrets or commercial or financial information that is privileged or  
476 confidential;  
477 h. Information of a personal nature where disclosure would constitute a clearly

- 478 unwarranted invasion of personal privacy;
- 479 i. Investigative records compiled for law enforcement purposes;
- 480 j. Information related to any investigative reports prepared by or on behalf of or for use  
481 of the Commission or other committee charged with responsibility of investigation or  
482 determination of compliance issues pursuant to the Compact;
- 483 k. Matters specifically exempted from disclosure by federal or Member State law; or
- 484 l. Other matters as promulgated by the Commission by Rule.
- 485 3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the  
486 meeting will be closed and reference each relevant exempting provision, and such  
487 reference shall be recorded in the minutes.
- 488 4. The Commission shall keep minutes that fully and clearly describe all matters discussed  
489 in a meeting and shall provide a full and accurate summary of actions taken, and the  
490 reasons therefore, including a description of the views expressed. All documents  
491 considered in connection with an action shall be identified in such minutes. All minutes  
492 and documents of a closed meeting shall remain under seal, subject to release only by a  
493 majority vote of the Commission or order of a court of competent jurisdiction.

494 G. Financing of the Commission

- 495 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its  
496 establishment, organization, and ongoing activities.
- 497 2. The Commission may accept any and all appropriate revenue sources as provided in  
498 C(12).
- 499 3. The Commission may levy on and collect an annual assessment from each Member State  
500 and impose fees on licensees of Member States to whom it grants a Multistate License to  
501 cover the cost of the operations and activities of the Commission and its staff, which must  
502 be in a total amount sufficient to cover its annual budget as approved each year for which  
503 revenue is not provided by other sources. The aggregate annual assessment amount for  
504 Member States shall be allocated based upon a formula that the Commission shall  
505 promulgate by Rule.
- 506 4. The Commission shall not incur obligations of any kind prior to securing the funds  
507 adequate to meet the same; nor shall the Commission pledge the credit of any of the  
508 Member States, except by and with the authority of the Member State.
- 509 5. The Commission shall keep accurate accounts of all receipts and disbursements. The  
510 receipts and disbursements of the Commission shall be subject to the financial review and

511 accounting procedures established under its bylaws. However, all receipts and  
512 disbursements of funds handled by the Commission shall be subject to an annual  
513 financial review by a certified or licensed public accountant, and the report of the  
514 financial review shall be included in and become part of the annual report of the  
515 Commission.

516 H. Qualified Immunity, Defense, and Indemnification

- 517 1. The members, officers, executive director, employees and representatives of the  
518 Commission shall be immune from suit and liability, both personally and in their official  
519 capacity, for any claim for damage to or loss of property or personal injury or other civil  
520 liability caused by or arising out of any actual or alleged act, error, or omission that  
521 occurred, or that the person against whom the claim is made had a reasonable basis for  
522 believing occurred within the scope of Commission employment, duties or  
523 responsibilities; provided that nothing in this paragraph shall be construed to protect any  
524 such person from suit or liability for any damage, loss, injury, or liability caused by the  
525 intentional or willful or wanton misconduct of that person. The procurement of insurance  
526 of any type by the Commission shall not in any way compromise or limit the immunity  
527 granted hereunder.
- 528 2. The Commission shall defend any member, officer, executive director, employee, and  
529 representative of the Commission in any civil action seeking to impose liability arising  
530 out of any actual or alleged act, error, or omission that occurred within the scope of  
531 Commission employment, duties, or responsibilities, or as determined by the commission  
532 that the person against whom the claim is made had a reasonable basis for believing  
533 occurred within the scope of Commission employment, duties, or responsibilities;  
534 provided that nothing herein shall be construed to prohibit that person from retaining  
535 their own counsel at their own expense; and provided further, that the actual or alleged  
536 act, error, or omission did not result from that person's intentional or willful or wanton  
537 misconduct.
- 538 3. The Commission shall indemnify and hold harmless any member, officer, executive  
539 director, employee, and representative of the Commission for the amount of any  
540 settlement or judgment obtained against that person arising out of any actual or alleged  
541 act, error, or omission that occurred within the scope of Commission employment, duties,  
542 or responsibilities, or that such person had a reasonable basis for believing occurred  
543 within the scope of Commission employment, duties, or responsibilities, provided that the  
544 actual or alleged act, error, or omission did not result from the intentional or willful or  
545 wanton misconduct of that person.

- 546 4. Nothing herein shall be construed as a limitation on the liability of any licensee for  
547 professional malpractice or misconduct, which shall be governed solely by any other  
548 applicable state laws.
- 549 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member  
550 State's state action immunity or state action affirmative defense with respect to antitrust  
551 claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or  
552 anticompetitive law or regulation.
- 553 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the  
554 Member States or by the Commission.  
555

556 **ARTICLE 9- DATA SYSTEM**

- 557 A. The Commission shall provide for the development, maintenance, operation, and utilization  
558 of a coordinated database and reporting system containing licensure, Adverse Action, and the  
559 presence of Current Significant Investigative Information on all licensed individuals in  
560 Member States.
- 561 B. Notwithstanding any other provision of State law to the contrary, a Member State shall  
562 submit a uniform data set to the Data System on all individuals to whom this Compact is  
563 applicable as required by the Rules of the Commission, including:
- 564 1. Identifying information;
- 565 2. Licensure data;
- 566 3. Adverse Actions against a Single-State License or Multistate License [and information  
567 related thereto];
- 568 4. Non-confidential information related to Alternative Program participation, the beginning  
569 and ending dates of such participation, and other information related to such participation  
570 not made confidential under Member State law;
- 571 5. Any denial of application for licensure, and the reason(s) for such denial;
- 572 6. The presence of Current Significant Investigative Information; and
- 573 7. Other information that may facilitate the administration of this Compact or the protection  
574 of the public, as determined by the Rules of the Commission.
- 575 C. The information contained in the data system shall be considered authentic and not hearsay in  
576 any civil action involving the Commission when accompanied by a certification by the  
577 Commission's data system manager concerning the authenticity of the data.

- 578 D. Current Significant Investigative Information pertaining to a Licensee in any Member State  
579 will only be available to other Member States.
- 580 E. It is the responsibility of the Member States to report any Adverse Action against a Licensee.  
581 Adverse Action information pertaining to a Licensee in any Member State will be available  
582 to any other Member State.
- 583 F. Member States contributing information to the Data System may designate information that  
584 may not be shared with the public without the express permission of the contributing State.
- 585 G. Any information submitted to the Data System that is subsequently expunged pursuant to  
586 federal law or the laws of the Member State contributing the information shall be removed  
587 from the Data System.  
588

589 **ARTICLE 10- RULEMAKING**

- 590 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently  
591 implement and administer the purposes and provisions of the Compact. In addition to any  
592 other applicable standard of review, in the event a court of competent jurisdiction holds that  
593 the Commission exercised its Rulemaking authority in a manner that is beyond the scope of  
594 the purposes of the Compact, or the powers granted hereunder, then such an action by the  
595 Commission shall be invalid and have no force or effect.
- 596 B. The Rules of the Commission shall have the force of law in each Member State, provided  
597 however that where the Rules of the Commission conflict with the State Practice Laws of a  
598 Member State as held by a court of competent jurisdiction, the Rules of the Commission shall  
599 be ineffective in that State to the extent of the conflict.
- 600 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in  
601 this Section and the Rules adopted thereunder. Rules and amendments shall become binding  
602 as of the date specified in each Rule or amendment.
- 603 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by  
604 enactment of a statute or resolution in the same manner used to adopt the Compact within  
605 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force  
606 and effect in any Member State.
- 607 E. Rules or amendments to the Rules shall be adopted at a regular or special meeting of the  
608 Commission.
- 609 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow  
610 persons to give oral testimony and submit written data, facts, opinions, and arguments.



- 611 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in  
612 advance of the meeting at which the Commission will hold a public hearing on the proposed  
613 Rule, the Commission shall provide a Notice of Proposed Rulemaking:
- 614 1. On the website of the Commission or other publicly accessible platform;
  - 615 2. To persons who have requested notice of the Commission's notices of proposed  
616 rulemaking, and
  - 617 3. In such other way(s) as the Commission may by Rule specify.
- 618 H. The Notice of Proposed Rulemaking shall include:
- 619 1. The time, date, and location of the public hearing at which the Commission will hear  
620 testimony on the proposed Rule and, if different, the time, date, and location of the  
621 meeting where the Commission will consider and vote on the proposed Rule;
  - 622 2. If the hearing is held via telecommunication, video conference, or other electronic means,  
623 the Commission shall include the mechanism for access to the hearing in the Notice of  
624 Proposed Rulemaking;
  - 625 3. The text of the proposed Rule and the reason therefor;
  - 626 4. A request for comments on the proposed Rule from any interested person; and
  - 627 5. The manner in which interested persons may submit written comments.
- 628 I. Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written  
629 data, facts, opinions, and arguments, which shall be made available to the public.  
630
- 631 J. The Commission may grant an opportunity for a public hearing before it adopts a Rule or  
632 amendment if a hearing is requested by:
- 633 1. At least twenty-five (25) persons;
  - 634 2. A State or federal governmental subdivision or agency; or  
635
  - 636 3. An association or organization having at least twenty-five (25) members.  
637
- 638
- 639
- 640 K. If a hearing is held on the proposed Rule or amendment, the Commission shall publish the  
641 place, time, and date of the scheduled public hearing. If the hearing is held via electronic  
642 means, the Commission shall publish the mechanism for access to the electronic hearing.  
643
- 644 1. All persons wishing to be heard at the hearing shall notify the executive director of the  
645 Commission or other designated member in writing of their desire to appear and testify at  
646 the hearing not less than five (5) business days before the scheduled date of the hearing.  
647

- 648 2. Hearings shall be conducted in a manner providing each person who wishes to comment  
649 a fair and reasonable opportunity to commend orally or in writing.  
650
- 651 3. All hearings will be recorded. A copy of the recording will be made available on request.  
652
- 653 4. Nothing in this section shall be construed as requiring a separate hearing on each Rule.  
654 Rules may be grouped for the convenience of the Commission at hearings required by  
655 this section.  
656
- 657 L. Following the scheduled hearing date, or by the close of business on the scheduled hearing  
658 date if the hearing was not held, the Commission shall consider all written and oral  
659 comments received.  
660
- 661 M. If no written notice of intent to attend the public hearing by interested parties is received, the  
662 Commission may proceed with promulgation of the proposed Rule without a public hearing.  
663
- 664 N. The Commission shall, by majority vote of all members, take final action on the proposed  
665 Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking  
666 record and the full text of the Rule.  
667
- 668 O. Upon determination that an emergency exists, the Commission may consider and adopt an  
669 emergency Rule without prior notice, opportunity for comment, or hearing, provided that the  
670 usual Rulemaking procedures provided in the Compact and in this Article shall be  
671 retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety  
672 (90) days after the effective date of the Rule. For the purposes of this provision, an  
673 emergency Rule is one that must be adopted immediately in order to:  
674
- 675 1. Meet an imminent threat to public health, safety, or welfare;  
676
  - 677 2. Prevent a loss of Commission or Member State funds;  
678
  - 679 3. Meet a deadline for the promulgation of an administrative Rule that is established by  
680 federal law or Rule; or  
681
  - 682 4. Protect public health and safety.  
683
- 684 P. The Commission or authorized committee of the Commission may direct revisions to a  
685 previously adopted Rule or amendment for purposes of correcting typographical errors, errors  
686 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be  
687 posted on the website of the Commission. The revision shall be subject to challenge by any  
688 person for a period of thirty (30) days after posting. The revision may be challenged only on  
689 grounds that the revision results in a material change to a Rule. A challenge shall be made in  
690 writing and delivered to the chair of the Commission prior to the end of the notice period. If  
691 not challenge is made, the revision will take effect without further action. If the revision is  
692 challenged, the revision may not take effect with the approval of the Commission.  
693

694 **ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

695 A. Oversight

696

697 1. The executive, legislative, and judicial branches of State government in each Member  
698 State shall enforce this Compact and take all actions necessary and appropriate to  
699 effectuate the Compact's purposes and intent. The provisions of this Compact and the  
700 Rules promulgated hereunder shall have standing as statutory law.

701

702 2. All courts shall take judicial notice of the Compact and the Rules in any judicial or  
703 administrative proceeding in a Member State pertaining to the subject matter of this  
704 Compact which may affect the powers, responsibilities, or actions of the Commission.

705

706 3. The Commission shall be entitled to receive service of process in any such proceeding,  
707 and shall have standing to intervene in such a proceeding for all purposes. Failure to  
708 provide service of process to the Commission shall render a judgment or order void as to  
709 the Commission, this Compact, or promulgated Rules.

710

711

712 B. Default, Technical Assistance, and Termination

713

714 1. If the Commission determines that a Member State has defaulted in the performance of  
715 its obligations or responsibilities under this Compact or the promulgated Rules, the  
716 Commission shall:

717

718 a. Provide written notice to the defaulting State and other Member States of the nature  
719 of the default, the proposed means or curing the default and/or any other action to be  
720 taken by the Commission; and

721

722 b. Provide remedial training and specific technical assistance regarding the default.

723

724 2. If a State in default fails to cure the default, the defaulting State may be terminated from  
725 this Compact upon an affirmative vote of a majority of the Member States, and all rights,  
726 privileges and benefits conferred by this Compact may be terminated on the effective  
727 date of termination. A cure of the default does not relieve the offending State of  
728 obligations or liabilities incurred during the period of default.

729

730 3. Termination of membership in the Compact shall be imposed only after all other means  
731 of securing compliance have been exhausted. Notice of intent to suspend or terminate  
732 shall be given by the Commission to the governor, the majority and minority leaders of  
733 the defaulting State's legislature, and each of the Member States.

734

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

738

739 5. The Commission shall not bear any costs related to a State that is found to be in default or  
740 that has been terminated from the Compact, unless agreed upon in writing between the  
741 Commission and the defaulting State.

742  
743 6. The defaulting State may appeal the action of the Commission by petitioning the U.S.  
744 District Court for the District of Columbia or the federal district where the Commission  
745 has its principal offices. The prevailing party shall be awarded all costs of such litigation,  
746 including attorney's fees.

747

748 C. Dispute Resolution

749

750 1. Upon request by a Member State, the Commission shall attempt to resolve disputes  
751 related to the Compact that arise among Member States and between Member States and  
752 non-Member States.

753

754 2. The Commission shall promulgate a Rule providing for both mediation and binding  
755 dispute resolution for disputes as appropriate.

756

757 D. Enforcement

758

759 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions  
760 and Rules of this Compact.

761

762 2. By majority vote, the Commission may initiate legal action in the United States District  
763 Court for the District of Columbia or the federal district where the Commission has its  
764 principal offices against a Member State in default to enforce compliance with the  
765 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may  
766 include both injunctive relief and damages. In the event judicial enforcement is  
767 necessary, the prevailing member shall be awarded costs of such litigation, including  
768 attorney's fees.

769

770 3. The remedies herein shall not be the exclusive remedies of the Commission. The  
771 Commission may pursue any other remedies available under federal or State law.

772

773 **ARTICLE 12- DATE OF IMPLEMENTATION OF THE INTERSTATE MASSAGE**  
774 **THERAPY COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL,**  
775 **AND AMENDMENT**

776 A. The Compact shall come into effect on the date on which the Compact statute is enacted into  
777 law in the seventh Member State. The provisions, which become effective at that time, shall  
778 be limited to the powers granted to the Commission relating to assembly and the  
779 promulgation or Rules. Thereafter, the Commission shall meet and exercise Rulemaking  
780 powers necessary to the implementation and administration of this Compact.

781

- 782 B. Any State that joins the Compact subsequent to the Commission’s initial adoption of the  
783 Rules shall be subject to the Rules as they exist on the date on which the Compact becomes  
784 law in that State. Any Rule that has been previously adopted by the Commission shall have  
785 the full force and effect of law on the day the Compact becomes law in that State.  
786
- 787 C. Any Member State may withdraw from this Compact by enacting a statute repealing the  
788 same.  
789
- 790 1. A Member State’s withdrawal shall not take effect until six (6) months after the  
791 enactment of the repealing statute.  
792
- 793 2. Withdrawal shall not affect the continuing requirement of the withdrawing State’s  
794 Licensing Authority to comply with the investigative and Adverse Action reporting  
795 requirements of this Compact prior to the effective date of withdrawal.  
796
- 797 D. Nothing contained in this Compact shall be construed to invalidate or prevent any Massage  
798 Therapy licensure agreement or other cooperative agreement between a Member State and a  
799 non-Member State that does not conflict with the provisions of this Compact.  
800
- 801 E. This Compact may be amended by the Member States. No amendment to this Compact shall  
802 become effective and binding upon any Member State until it is enacted into the laws of all  
803 Member States.  
804  
805

806 **ARTICLE 13- CONSTRUCTION AND SEVERABILITY**

807 This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions  
808 of this Compact shall be severable and if any phrase, clause, sentence, or provision of this  
809 Compact is declared to be contrary to the constitution of any Member State or of the United  
810 States or the applicability thereof to any government, agency, person, or circumstance is held  
811 invalid, the validity of the remainder of this Compact and the applicability thereof to any  
812 government, agency, person, or circumstance shall not be affected thereby. If this Compact shall  
813 be held contrary to the constitution of any Member State, the Compact shall remain in full force  
814 and effect as to the remaining Member States and in full force and effect as to the Member State  
815 affected as to all severable matters.  
816

817 **ARTICLE 14- BINDING EFFECT OF COMPACT AND OTHER LAW**

- 818 A. Nothing herein prevents the enforcement of any other law of a Member State that is not  
819 inconsistent with this Compact.  
820
- 821 B. Any laws in a Member State in conflict with this Compact are superseded to the extent of the  
822 conflict.  
823
- 824 C. Any lawful actions by the Commission, including all Rules and bylaws promulgated by the  
825 Commission, are binding upon the Member States.

826  
827  
828  
829

D. All agreements between the Commission and the Member States are binding in accordance with their terms.

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