

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;
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- 15 B. Enhance the Member States’ ability to protect the public’s health and safety, and
16 prevent criminal activity within the profession;
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- 18 C. Encourage the cooperation of Member States in regulating the multistate Practice of
19 Massage Therapy;
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- 21 D. Support spouses of relocating military members;
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- 23 E. Facilitate and enhance the exchange of licensure, investigative, and disciplinary
24 information between the Member States;
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- 26 F. Create an Interstate Commission that will exist to effectuate the Compact;
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- 28 G. Provide for meaningful dispute resolution while allowing a Member State to hold a
29 Licensee accountable, even where that Licensee holds a Multistate License;
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- 31 H. Create a streamlined pathway for Licensees to practice in Member States, thus
32 increasing the mobility of duly licensed massage therapists; and
- 33
- 34 I. To serve the needs of licensed massage therapists and the public receiving their
35 services; however
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- 37 J. Nothing in this Compact is intended to prevent a State from enforcing its own laws.

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39 **ARTICLE 2- DEFINITIONS**

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

- 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.
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- 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.
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- 52 C. “Alternative Program” - a non-disciplinary monitoring or prosecutorial diversion program
53 approved by a Member State’s Licensing Authority.
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- 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.
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- 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.
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- 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” - the Member State which is a Licensee’s member of residence.
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- 84 L. “Investigative Information” - information, records, and/or documents received or generated
85 by a Licensing Authority pursuant to an investigation or other inquiry.

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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. “Rule” - any opinion or regulation promulgated by the Commission under this Compact,
106 which shall have the force of law.
107
108 S. “Single-State License” - a Massage Therapy license issued by a Member State that authorizes
109 practice only within the issuing State and does not include any authorization to practice
110 Massage Therapy outside of the issuing State.
111
112 T. “State” - a state, territory, possession of the United States, or the District of Columbia.
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114 U. “State Practice Laws” - a Member State’s laws, rules, and regulations that govern the
115 Practice of Massage Therapy, define the scope of such practice, and create the methods and
116 grounds for imposing discipline.
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118 V. “Unencumbered License” - means a current, valid authorization issued by a Member State’s
119 Licensing Authority allowing an individual to fully practice Massage Therapy. An
120 Unencumbered License is not a restricted, student, provisional, temporary, or inactive
121 practice authorization.

122 **ARTICLE 3- MEMBER STATE REQUIREMENTS**

- 123 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State
124 must currently:
125
126 1. License and regulate the Practice of Massage Therapy;
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128 2. Have a mechanism or entity in place to receive and investigate complaints about
129 Licensees practicing in that State;
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- 131 3. Require that Licensees within the State pass a national licensure examination prior to
132 being licensed to provide Massage Therapy Services to the public in that State;
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- 134 4. Require that Licensees satisfy educational requirements prior to being licensed to provide
135 Massage Therapy Services to the public in that State;
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- 137 5. Implement procedures for considering the Background Check of applicants for licensure,
138 and for the reporting of any Disqualifying Events;
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- 140 6. Participate in the Data System, including through the use of unique identifying numbers
141 as described herein;
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- 143 7. Notify the Commission and other Member States, in compliance with the terms of the
144 Compact and Rules of the Commission, of any disciplinary action taken by the State
145 against a Licensee in that State, or of the availability of Investigative Information
146 regarding a Licensee practicing in that State;
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- 148 8. Delegate authority to the Commission on behalf of the Member State to determine
149 eligibility for a Multistate License under the Compact;
150
- 151 9. Comply with such Rules as may be enacted by the Commission to administer the
152 Compact;
153
- 154 10. Accept Licensees from other Member States as established herein;
155
- 156 B. Individuals not residing in a Member State shall continue to be able to apply for a Member
157 State's Single-State License as provided under the laws of each Member State. However, the
158 Single-State License granted to those individuals shall not be recognized as granting a
159 Multistate License for Massage Therapy in any other Member State;
160
- 161 C. Nothing in this Compact shall affect the requirements established by a Member State for the
162 issuance of a Single-State License; and
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- 164 D. A Multistate License issued to a Licensee by the Commission shall be recognized by each
165 Member State as authorizing a Licensee to practice Massage Therapy in each Member State.
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167 **ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS**

- 168 A. Upon the receipt of an application for a Multistate License, according to the Rules of the
169 Commission, the Commission shall ascertain whether the applicant meets the requirements
170 for a Multistate License under this Compact using any and all information available to the
171 Commission, including, but not limited to, information uploaded to the Data System by the
172 applicant's Home State.
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- 174 B. If an applicant meets the requirements for a Multistate License under this Compact and any
175 Rules of the Commission, the Commission, acting on behalf of the Member States, shall
176 grant a Multistate License to that applicant, and inform all Member States of the grant of said
177 Multistate License.
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- 179 C. A Multistate License to practice Massage Therapy issued by the Commission, acting on
180 behalf of the Member States, shall be recognized by each Member State as authorizing a
181 Licensee to practice as though that Licensee holds a license to do so in each Member State,
182 subject to the restrictions herein.
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- 184 D. A Multistate License granted pursuant to this Compact may be effective for a definite period
185 of time, which the Commission may by Rule define.
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- 187 E. To qualify for a Multistate License under this Compact, and to maintain eligibility for such a
188 license, an applicant must:
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- 190 1. Hold an active, unencumbered license to practice Massage Therapy in the applicant's
191 Home State;
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 - 193 2. Have an active and unique identifying number, as determined by the Rules of the
194 Commission;
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 - 196 3. Have completed at least six hundred and twenty-five (625) clock hours of Massage
197 Therapy education, as approved under the laws of the applicant's Home State, or that
198 Home State's Licensing Authority, or which the Commission may otherwise approve by
199 Rule. Licensees holding an active and unencumbered license may be exempted from this
200 requirement, as provided for by the Rules of the Commission;
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 - 202 4. Have passed a national licensing examination developed and administered by a national
203 association of Massage Therapy regulatory boards or as otherwise approved by
204 Commission Rule;
205
 - 206 5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a
207 felony offense under applicable State or federal criminal law, within five (5) years prior
208 to the date of their application, where such a time period shall not include any time
209 served for the offense, and provided that the applicant has completed any and all
210 requirements arising as a result of any such offense;
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 - 212 6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a
213 misdemeanor offense related to the Practice of Massage Therapy under applicable State
214 or federal criminal law, within two (2) years prior to the date of their application where
215 such a time period shall not include any time served for the offense, and provided that the
216 applicant has completed any and all requirements arising as a result of any such offense;
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- 218 7. Have not previously held a Massage Therapy license which was revoked by, or
219 surrendered to, an applicable Licensing Authority;
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- 221 8. Have no history of any Adverse Action taken by applicant's Home State Licensing
222 Authority within two (2) years prior to the date of their application;
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- 224 9. Have not been convicted or found guilty, or have entered into an agreed disposition, of
225 any offense, whether a misdemeanor or a felony, under state or federal law, at any time,
226 relating to any of the following:
227 a. Kidnapping;
228 b. Human trafficking;
229 c. Human smuggling;
230 d. Sexual battery; or
231 e. Any other category of offense which the Commission may by Rule designate.
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- 233 10. Pay all required fees related to the application and verification or certification process,
234 and any other fees which the Commission may by Rule require; and
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- 236 11. Comply with any and all other requirements which the Commission may by Rule
237 provide.
238
- 239 F. A Licensee practicing in a Member State must comply with State Practice Laws of the State
240 in which Massage Therapy Services are provided, and all other applicable laws of that State.
241
- 242 G. The Practice of Massage Therapy under a Multistate License granted pursuant to this
243 Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts,
244 and the laws of the Member State in which the Massage Therapy Services are provided.
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246 **ARTICLE 5- PARALLEL AUTHORITY OF INTERSTATE MASSAGE THERAPY**
247 **COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES**

- 248 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
249 restrict, or in any way reduce the ability of a Member State to enact and enforce laws,
250 regulations, or other rules related to the Practice of Massage Therapy in that State, where
251 those laws, regulations, or other rules are not inconsistent with the provisions of this
252 Compact.
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- 254 B. Insofar as practical, a Member State's Licensing Authority shall cooperate with the
255 Commission and with each entity exercising independent regulatory authority over the
256 Practice of Massage Therapy according to the provisions of this Compact.
257
- 258 C. Licensees practicing in a Member State under a Multistate License shall be subject to both
259 the Rules and requirements of the Commission and those of the Member State in which
260 Massage Therapy Services are being provided.
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262 D. An Adverse Action by the Commission on behalf of a Member State against a Licensee,
263 including the denial, suspension, surrender in lieu of discipline, or revocation of a Multistate
264 License, shall in no way limit a Member State’s authority to grant a Single-State License to
265 that Licensee or otherwise regulate such licenses.

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267 **ARTICLE 6- ADVERSE ACTIONS**

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

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

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

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

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

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

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

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

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

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- 5. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.
- 6. Take Adverse Action based on the factual findings of another Member State, provided that the Licensing Authority follows its own procedures for taking such Adverse Action

F. Commission Authority Following Adverse Action

- 1. In the event that a Licensee’s Single-State License to Practice Massage Therapy is suspended or revoked by the Home State’s Licensing Authority, the Commission, acting on behalf of the Member States, shall suspend or revoke that Licensee’s Multistate License, as appropriate, until such time as said Licensing Authority should reinstate the Licensee’s Single-State License.
- 2. If Adverse Action is taken by a Remote State against a Licensee’s Multistate License to practice in that State, the Commission, as authorized by the Member States, may suspend, revoke, or otherwise restrict that Licensee’s Multistate License based on the Remote State’s Adverse Action, and no further justification or proof shall be required.
- 3. Such an action from the Commission shall be reflected in a disciplinary order, which shall include a statement that the Licensee’s Multistate License is suspended in all Member States during the pendency of the order.

G. Nothing in this Compact shall override a Member State’s authority to accept a Licensee’s participation in an Alternative Program in lieu of Adverse Action. A Licensee’s Multistate License shall be suspended for the duration of the Licensee’s participation in any Alternative Program.

H. Joint Investigations

- 1. In addition to the authority granted to a Member State by its respective State Practice Laws other applicable State law, a Member State may participate with other Member States in joint investigations of Licensees.
- 2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES

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

348 **ARTICLE 8- ESTABLISHMENT OF THE INTERSTATE MASSAGE THERAPY**
349 **COMPACT COMMISSION**

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

354 B. Membership, Voting, and Meetings

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

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

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

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

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

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

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

369 C. The Commission shall have the following powers:

370 1. Establish the fiscal year of the Commission;

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

372 3. Establish and amend Rules and bylaws;

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

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

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

379 7. Purchase and maintain insurance and bonds;

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

408 D. The Executive Committee

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

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

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

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

492 G. Financing of the Commission

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

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

514 H. Qualified Immunity, Defense, and Indemnification

515 1. The members, officers, executive director, employees and representatives of the
516 Commission shall be immune from suit and liability, both personally and in their official
517 capacity, for any claim for damage to or loss of property or personal injury or other civil
518 liability caused by or arising out of any actual or alleged act, error, or omission that
519 occurred, or that the person against whom the claim is made had a reasonable basis for
520 believing occurred within the scope of Commission employment, duties or
521 responsibilities; provided that nothing in this paragraph shall be construed to protect any
522 such person from suit or liability for any damage, loss, injury, or liability caused by the
523 intentional or willful or wanton misconduct of that person. The procurement of insurance
524 of any type by the Commission shall not in any way compromise or limit the immunity
525 granted hereunder.

526 2. The Commission shall defend any member, officer, executive director, employee, and
527 representative of the Commission in any civil action seeking to impose liability arising
528 out of any actual or alleged act, error, or omission that occurred within the scope of
529 Commission employment, duties, or responsibilities, or as determined by the commission
530 that the person against whom the claim is made had a reasonable basis for believing
531 occurred within the scope of Commission employment, duties, or responsibilities;
532 provided that nothing herein shall be construed to prohibit that person from retaining
533 their own counsel at their own expense; and provided further, that the actual or alleged
534 act, error, or omission did not result from that person's intentional or willful or wanton
535 misconduct.

536 3. The Commission shall indemnify and hold harmless any member, officer, executive
537 director, employee, and representative of the Commission for the amount of any
538 settlement or judgment obtained against that person arising out of any actual or alleged
539 act, error, or omission that occurred within the scope of Commission employment, duties,
540 or responsibilities, or that such person had a reasonable basis for believing occurred
541 within the scope of Commission employment, duties, or responsibilities, provided that the
542 actual or alleged act, error, or omission did not result from the intentional or willful or
543 wanton misconduct of that person.

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

554 **ARTICLE 9- DATA SYSTEM**

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

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

587 **ARTICLE 10- RULEMAKING**

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

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

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

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

693 A. Oversight

694

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

699

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

703

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

708

709

710 B. Default, Technical Assistance, and Termination

711

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

715

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

719

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

721

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

727

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

732

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

736

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

740
741 6. The defaulting State may appeal the action of the Commission by petitioning the U.S.
742 District Court for the District of Columbia or the federal district where the Commission
743 has its principal offices. The prevailing party shall be awarded all costs of such litigation,
744 including attorney's fees.

745
746 C. Dispute Resolution

747
748 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
749 related to the Compact that arise among Member States and between Member States and
750 non-Member States.

751
752 2. The Commission shall promulgate a Rule providing for both mediation and binding
753 dispute resolution for disputes as appropriate.

754
755 D. Enforcement

756
757 1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions
758 and Rules of this Compact.

759
760 2. By majority vote, the Commission may initiate legal action in the United States District
761 Court for the District of Columbia or the federal district where the Commission has its
762 principal offices against a Member State in default to enforce compliance with the
763 provisions of the Compact and its promulgated Rules and bylaws. The relief sought may
764 include both injunctive relief and damages. In the event judicial enforcement is
765 necessary, the prevailing member shall be awarded costs of such litigation, including
766 attorney's fees.

767
768 3. The remedies herein shall not be the exclusive remedies of the Commission. The
769 Commission may pursue any other remedies available under federal or State law.

770
771 **ARTICLE 12- DATE OF IMPLEMENTATION OF THE INTERSTATE MASSAGE**
772 **THERAPY COMPACT COMMISSION AND ASSOCIATED RULES, WITHDRAWAL,**
773 **AND AMENDMENT**

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

779

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

804 **ARTICLE 13- CONSTRUCTION AND SEVERABILITY**

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

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

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

824
825
826
827

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

DRAFT