

1 **INTERSTATE MASSAGE 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, competent, 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;
- 15 C. Enhance the Member States' ability to prevent human trafficking and licensure fraud;
- 16 D. Encourage the cooperation of Member States in regulating the multistate Practice of  
17 Massage Therapy;
- 18 E. Support relocating military members and their spouses;
- 19 F. Facilitate and enhance the exchange of licensure, investigative, and disciplinary  
20 information between the Member States;
- 21 G. Create an Interstate Commission that will exist to implement and administer the  
22 Compact;
- 23 H. Allow a Member State to hold a Licensee accountable, even where that Licensee  
24 holds a Multistate License;
- 25 I. Create a streamlined pathway for Licensees to practice in Member States, thus  
26 increasing the mobility of duly licensed massage therapists; and
- 27 J. Serve the needs of licensed massage therapists and the public receiving their services;  
28 however,
- 29 K. Nothing in this Compact is intended to prevent a State from enforcing its own laws  
30 regarding the Practice of Massage Therapy.

31 **ARTICLE 2- DEFINITIONS**

- 42 As used in this Compact, except as otherwise provided and subject to clarification by the  
43 Rules of the Commission, the following definitions shall govern the terms herein:
- 44 A. “Active Military Member” - any person with full-time duty status in the armed forces of the  
45 United States, including members of the National Guard and Reserve.  
46
- 47 B. “Adverse Action” - any administrative, civil, equitable, or criminal action permitted by a  
48 Member State’s laws which is imposed by a Licensing Authority or other regulatory body  
49 against a Licensee, including actions against an individual’s Authorization to Practice such as  
50 revocation, suspension, probation, surrender in lieu of discipline, monitoring of the Licensee,  
51 limitation of the Licensee’s practice, or any other Encumbrance on licensure affecting an  
52 individual’s ability to practice Massage Therapy, including the issuance of a cease and desist  
53 order.  
54
- 55 C. “Alternative Program” - a non-disciplinary monitoring or prosecutorial diversion program  
56 approved by a Member State’s Licensing Authority.  
57
- 58 D. “Authorization to Practice” - a legal authorization by a Remote State pursuant to a Multistate  
59 License permitting the Practice of Massage Therapy in that Remote State, which shall be  
60 subject to the enforcement jurisdiction of the Licensing Authority in that Remote State.  
61
- 62 E. “Background Check” - the submission of an applicant’s criminal history record information,  
63 as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau of  
64 Investigation and the agency responsible for retaining State criminal records in the  
65 applicant’s Home State.  
66
- 67 F. “Charter Member States” - Member States who have enacted legislation to adopt this  
68 Compact where such legislation predates the effective date of this Compact as defined in  
69 Article 12.  
70
- 71 G. “Commission” - the government agency whose membership consists of all States that have  
72 enacted this Compact, which is known as the Interstate Massage Compact Commission, as  
73 defined in Article 8, and which shall operate as an instrumentality of the Member States.  
74
- 75 H. “Continuing Competence” - a requirement, as a condition of license renewal, to provide  
76 evidence of participation in, and completion of, educational or professional activities that  
77 maintain, improve, or enhance Massage Therapy fitness to practice.  
78
- 79 I. “Current Significant Investigative Information” - Investigative Information that a Licensing  
80 Authority, after an inquiry or investigation that complies with a Member State’s due process  
81 requirements, has reason to believe is not groundless and, if proved true, would indicate a  
82 violation of that State’s laws regarding the Practice of Massage Therapy.  
83
- 84 J. “Data System” - a repository of information about Licensees who hold Multistate Licenses,  
85 which may include but is not limited to license status, Investigative Information, and Adverse  
86 Actions.

- 87
- 88 K. “Disqualifying Event” - any event which shall disqualify an individual from holding a  
89 Multistate License under this Compact, which the Commission may by Rule specify.  
90
- 91 L. “Encumbrance” - a revocation or suspension of, or any limitation or condition on, the full  
92 and unrestricted Practice of Massage Therapy by a Licensing Authority.  
93
- 94 M. “Executive Committee” - a group of delegates elected or appointed to act on behalf of, and  
95 within the powers granted to them by, the Commission.  
96
- 97 N. “Home State” - means the Member State which is a Licensee’s primary state of residence  
98 where the Licensee holds an active Single-State License.  
99
- 100 O. “Investigative Information” - information, records, or documents received or generated by a  
101 Licensing Authority pursuant to an investigation or other inquiry.  
102
- 103 P. “Licensing Authority” - a State’s regulatory body responsible for issuing Massage Therapy  
104 licenses or otherwise overseeing the Practice of Massage Therapy in that State.  
105
- 106 Q. “Licensee” - an individual who currently holds a license from a Member State to fully  
107 practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or  
108 other similar status.  
109
- 110 R. “Massage Therapy”, “Massage Therapy Services”, and the “Practice of Massage Therapy” -  
111 the care and services provided by a Licensee as set forth in the Member State’s statutes and  
112 regulations in the State where the services are being provided.  
113
- 114 S. “Member State” - any State that has adopted this Compact.  
115
- 116 T. “Multistate License” - a license that consists of Authorizations to Practice Massage Therapy  
117 in all Remote States pursuant to this Compact, which shall be subject to the enforcement  
118 jurisdiction of the Licensing Authority in a Licensee’s Home State.  
119
- 120 U. “National Licensing Examination” - A national examination developed by a national  
121 association of Massage Therapy regulatory boards, as defined by Commission Rule, that is  
122 derived from a practice analysis and is consistent with generally accepted psychometric  
123 principles of fairness, validity and reliability, and is administered under secure and  
124 confidential examination protocols.  
125
- 126 V. “Remote State” - any Member State, other than the Licensee’s Home State.  
127
- 128 W. “Rule” - any opinion or regulation promulgated by the Commission under this Compact,  
129 which shall have the force of law.  
130
- 131 X. “Single-State License” - a current, valid authorization issued by a Member State’s Licensing  
132 Authority allowing an individual to fully practice Massage Therapy, that is not a restricted,

133 student, provisional, temporary, or inactive practice authorization and authorizes practice  
134 only within the issuing State.

135  
136 Y. "State" - a state, territory, possession of the United States, or the District of Columbia.  
137

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

139 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State  
140 must:

- 141  
142 1. License and regulate the Practice of Massage Therapy;  
143
- 144 2. Have a mechanism or entity in place to receive and investigate complaints from the  
145 public, regulatory or law enforcement agencies, or the Commission about Licensees  
146 practicing in that State;  
147
- 148 3. Accept passage of a National Licensing Examination as a criterion for Massage Therapy  
149 licensure in that State;  
150
- 151 4. Require that Licensees satisfy educational requirements prior to being licensed to provide  
152 Massage Therapy Services to the public in that State;  
153
- 154 5. Implement procedures for requiring the Background Check of applicants for a Multistate  
155 License, and for the reporting of any Disqualifying Events, including but not limited to  
156 obtaining and submitting, for each Licensee holding a Multistate License and each  
157 applicant for a Multistate License, fingerprint or other biometric-based information to the  
158 Federal Bureau of Investigation for Background Checks; receiving the results of the  
159 Federal Bureau of Investigation record search on Background Checks and considering the  
160 results of such a Background Check in making licensure decisions;  
161
- 162 6. Have Continuing Competence requirements as a condition for license renewal;  
163
- 164 7. Participate in the Data System, including through the use of unique identifying numbers  
165 as described herein;  
166
- 167 8. Notify the Commission and other Member States, in compliance with the terms of the  
168 Compact and Rules of the Commission, of any disciplinary action taken by the State  
169 against a Licensee practicing under a Multistate License in that State, or of the existence  
170 of Investigative Information or Current Significant Investigative Information regarding a  
171 Licensee practicing in that State pursuant to a Multistate License;  
172
- 173 9. Comply with the Rules of the Commission;  
174
- 175 10. Accept Licensees with valid Multistate Licenses from other Member States as established  
176 herein;  
177

- 178 B. Individuals not residing in a Member State shall continue to be able to apply for a Member  
179 State's Single-State License as provided under the laws of each Member State. However, the  
180 Single-State License granted to those individuals shall not be recognized as granting a  
181 Multistate License for Massage Therapy in any other Member State;  
182
- 183 C. Nothing in this Compact shall affect the requirements established by a Member State for the  
184 issuance of a Single-State License; and  
185
- 186 D. A Multistate License issued to a Licensee shall be recognized by each Remote State as an  
187 Authorization to Practice Massage Therapy in each Remote State.

188 **ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS**

- 189 A. 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 Single-State License to practice Massage Therapy in the applicant's Home  
193 State;  
194
  - 195 2. Have completed at least six hundred and twenty-five (625) clock hours of Massage  
196 Therapy education or the substantial equivalent which the Commission may approve by  
197 Rule.  
198
  - 199 3. Have passed a National Licensing Examination or the substantial equivalent which the  
200 Commission may approve by Rule.  
201
  - 202 4. Submit to a Background Check;  
203
  - 204 5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a  
205 felony offense under applicable State or federal criminal law, within five (5) years prior  
206 to the date of their application, where such a time period shall not include any time  
207 served for the offense, and provided that the applicant has completed any and all  
208 requirements arising as a result of any such offense;  
209
  - 210 6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a  
211 misdemeanor offense related to the Practice of Massage Therapy under applicable State  
212 or federal criminal law, within two (2) years prior to the date of their application where  
213 such a time period shall not include any time served for the offense, and provided that the  
214 applicant has completed any and all requirements arising as a result of any such offense;  
215
  - 216 7. Have not been convicted or found guilty, or have entered into an agreed disposition, of  
217 any offense, whether a misdemeanor or a felony, under State or federal law, at any time,  
218 relating to any of the following:  
219
    - 220 a. Kidnapping;
    - 221 b. Human trafficking;
    - 222 c. Human smuggling;
    - d. Sexual battery, sexual assault, or any related offenses; or

- 223 e. Any other category of offense which the Commission may by Rule designate.  
224
- 225 8. Have not previously held a Massage Therapy license which was revoked by, or  
226 surrendered in lieu of discipline to an applicable Licensing Authority;  
227
- 228 9. Have no history of any Adverse Action on any occupational or professional license  
229 within two (2) years prior to the date of their application; and  
230
- 231 10. Pay all required fees.  
232
- 233 B. A Multistate License granted pursuant to this Compact may be effective for a definite period  
234 of time concurrent with the renewal of the Home State license.  
235
- 236 C. A Licensee practicing in a Member State is subject to all scope of practice laws governing  
237 Massage Therapy Services in that State.  
238
- 239 D. The Practice of Massage Therapy under a Multistate License granted pursuant to this  
240 Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts,  
241 and the laws of the Member State in which the Massage Therapy Services are provided.

242 **ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION**  
243 **AND MEMBER STATE LICENSING AUTHORITIES**

- 244 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,  
245 restrict, or in any way reduce the ability of a Member State to enact and enforce laws,  
246 regulations, or other rules related to the Practice of Massage Therapy in that State, where  
247 those laws, regulations, or other rules are not inconsistent with the provisions of this  
248 Compact.  
249
- 250 B. 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 take Adverse Action against a  
252 Licensee's Single-State License to practice Massage Therapy in that State.  
253
- 254 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,  
255 restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a  
256 Licensee's Authorization to Practice in that State.  
257
- 258 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,  
259 restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action  
260 against a Licensee's Multistate License based upon information provided by a Remote State.  
261
- 262 E. Insofar as practical, a Member State's Licensing Authority shall cooperate with the  
263 Commission and with each entity exercising independent regulatory authority over the  
264 Practice of Massage Therapy according to the provisions of this Compact.

265 **ARTICLE 6- ADVERSE ACTIONS**

- 266 A. A Licensee’s Home State shall have exclusive power to impose an Adverse Action against a  
267 Licensee’s Multistate License issued by the Home State.  
268
- 269 B. A Home State may take Adverse Action on a Multistate License based on the Investigative  
270 Information, Current Significant Investigative Information, or Adverse Action of a Remote  
271 State.  
272
- 273 C. A Home State shall retain authority to complete any pending investigations of a Licensee  
274 practicing under a Multistate License who changes their Home State during the course of  
275 such an investigation. The Licensing Authority shall also be empowered to report the results  
276 of such an investigation to the Commission through the Data System as described herein.  
277
- 278 D. Any Member State may investigate actual or alleged violations of the scope of practice laws  
279 in any other Member State for a massage therapist who holds a Multistate License.  
280
- 281 E. A Remote State shall have the authority to:  
282
- 283 1. Take Adverse Actions against a Licensee’s Authorization to Practice;  
284
  - 285 2. Issue cease and desist orders or impose an Encumbrance on a Licensee’s Authorization to  
286 Practice in that State.  
287
  - 288 3. Issue subpoenas for both hearings and investigations that require the attendance and  
289 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a  
290 Licensing Authority in a Member State for the attendance and testimony of witnesses or  
291 the production of evidence from another Member State shall be enforced in the latter  
292 State by any court of competent jurisdiction, according to the practice and procedure of  
293 that court applicable to subpoenas issued in proceedings before it. The issuing Licensing  
294 Authority shall pay any witness fees, travel expenses, mileage, and other fees required by  
295 the service statutes of the State in which the witnesses or evidence are located.  
296
  - 297 4. If otherwise permitted by State law, recover from the affected Licensee the costs of  
298 investigations and disposition of cases resulting from any Adverse Action taken against  
299 that Licensee.  
300
  - 301 5. Take Adverse Action against the Licensee’s Authorization to Practice in that State based  
302 on the factual findings of another Member State.  
303
- 304 F. If an Adverse Action is taken by the Home State against a Licensee’s Multistate License or  
305 Single-State License to practice in the Home State, the Licensee’s Authorization to Practice  
306 in all other Member States shall be deactivated until all Encumbrances have been removed  
307 from such license. All Home State disciplinary orders that impose an Adverse Action against  
308 a Licensee shall include a statement that the Massage Therapist’s Authorization to Practice is  
309 deactivated in all Member States during the pendency of the order.  
310

311 G. If Adverse Action is taken by a Remote State against a Licensee’s Authorization to Practice,  
312 that Adverse Action applies to all Authorizations to Practice in all Remote States. A Licensee  
313 whose Authorization to Practice in a Remote State is removed for a specified period of time  
314 is not eligible to apply for a new Multistate License in any other State until the specific time  
315 for removal of the Authorization to Practice has passed and all encumbrance requirements  
316 are satisfied.

317  
318 H. Nothing in this Compact shall override a Member State’s authority to accept a Licensee’s  
319 participation in an Alternative Program in lieu of Adverse Action. A Licensee’s Multistate  
320 License shall be suspended for the duration of the Licensee’s participation in any Alternative  
321 Program.

322  
323 I. Joint Investigations

324  
325 1. In addition to the authority granted to a Member State by its respective scope of practice  
326 laws or other applicable State law, a Member State may participate with other Member  
327 States in joint investigations of Licensees.

328  
329 2. Member States shall share any investigative, litigation, or compliance materials in  
330 furtherance of any joint or individual investigation initiated under the Compact.

331 **ARTICLE 7- ACTIVE MILITARY MEMBER AND THEIR SPOUSES**

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

336 **ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE**  
337 **COMPACT COMMISSION**

338 A. The Compact Member States hereby create and establish a joint government agency whose  
339 membership consists of all Member States that have enacted the Compact known as the  
340 Interstate Massage Compact Commission. The Commission is an instrumentality of the  
341 Compact States acting jointly and not an instrumentality of any one State. The Commission  
342 shall come into existence on or after the effective date of the Compact as set forth in Article  
343 12.

344 B. Membership, Voting, and Meetings

345 1. Each Member State shall have and be limited to one (1) delegate selected by that Member  
346 State’s State Licensing Authority.

347 2. The delegate shall be the primary administrative officer of the State Licensing Authority  
348 or their designee.

349 3. The Commission shall by Rule or bylaw establish a term of office for delegates and may  
350 by Rule or bylaw establish term limits.



- 351 4. The Commission may recommend removal or suspension of any delegate from office.
- 352 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate  
353 occurring on the Commission within 60 days of the vacancy.
- 354 6. Each delegate shall be entitled to one vote on all matters that are voted on by the  
355 Commission.
- 356 7. The Commission shall meet at least once during each calendar year. Additional meetings  
357 may be held as set forth in the bylaws. The Commission may meet by  
358 telecommunication, video conference or other similar electronic means.
- 359 C. The Commission shall have the following powers:
- 360 1. Establish the fiscal year of the Commission;
- 361 2. Establish code of conduct and conflict of interest policies;
- 362 3. Adopt Rules and bylaws;
- 363 4. Maintain its financial records in accordance with the bylaws;
- 364 5. Meet and take such actions as are consistent with the provisions of this Compact, the  
365 Commission's Rules, and the bylaws;
- 366 6. Initiate and conclude legal proceedings or actions in the name of the Commission,  
367 provided that the standing of any State Licensing Authority to sue or be sued under  
368 applicable law shall not be affected;
- 369 7. Maintain and certify records and information provided to a Member State as the  
370 authenticated business records of the Commission, and designate an agent to do so on the  
371 Commission's behalf;
- 372 8. Purchase and maintain insurance and bonds;
- 373 9. Borrow, accept, or contract for services of personnel, including, but not limited to,  
374 employees of a Member State;
- 375 10. Conduct an annual financial review;
- 376 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such  
377 individuals appropriate authority to carry out the purposes of the Compact, and establish  
378 the Commission's personnel policies and programs relating to conflicts of interest,  
379 qualifications of personnel, and other related personnel matters;
- 380 12. Assess and collect fees;
- 381 13. Accept any and all appropriate gifts, donations, grants of money, other sources of  
382 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of

- 383 the same; provided that at all times the Commission shall avoid any appearance of  
384 impropriety or conflict of interest;
- 385 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed,  
386 or any undivided interest therein;
- 387 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any  
388 property real, personal, or mixed;
- 389 16. Establish a budget and make expenditures;
- 390 17. Borrow money;
- 391 18. Appoint committees, including standing committees, composed of members, State  
392 regulators, State legislators or their representatives, and consumer representatives, and  
393 such other interested persons as may be designated in this Compact and the bylaws;
- 394 19. Accept and transmit complaints from the public, regulatory or law enforcement agencies,  
395 or the Commission, to the relevant Member State(s) regarding potential misconduct of  
396 Licensees;
- 397 20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the  
398 Commission as provided in the Commission's bylaws;
- 399 21. Establish and elect an Executive Committee, including a chair and a vice chair;
- 400 22. Adopt and provide to the Member States an annual report.
- 401 23. Determine whether a State's adopted language is materially different from the model  
402 Compact language such that the State would not qualify for participation in the Compact;  
403 and
- 404 24. Perform such other functions as may be necessary or appropriate to achieve the purposes  
405 of this Compact.

406 D. The Executive Committee

- 407 1. The Executive Committee shall have the power to act on behalf of the Commission  
408 according to the terms of this Compact. The powers, duties, and responsibilities of the  
409 Executive Committee shall include:
- 410 a. Overseeing the day-to-day activities of the administration of the Compact including  
411 compliance with the provisions of the Compact, the Commission's Rules and bylaws,  
412 and other such duties as deemed necessary;
- 413 b. Recommending to the Commission changes to the Rules or bylaws, changes to this  
414 Compact legislation, fees charged to Compact Member States, fees charged to  
415 Licensees, and other fees;

- 416 c. Ensuring Compact administration services are appropriately provided, including by  
417 contract;
- 418 d. Preparing and recommending the budget;
- 419 e. Maintaining financial records on behalf of the Commission;
- 420 f. Monitoring Compact compliance of Member States and providing compliance reports  
421 to the Commission;
- 422 g. Establishing additional committees as necessary;
- 423 h. Exercise the powers and duties of the Commission during the interim between  
424 Commission meetings, except for adopting or amending Rules, adopting or amending  
425 bylaws, and exercising any other powers and duties expressly reserved to the  
426 Commission by Rule or bylaw; and
- 427 i. Other duties as provided in the Rules or bylaws of the Commission.
- 428 2. The Executive Committee shall be composed of seven voting members and up to two ex-  
429 officio members as follows:
- 430 a. The chair and vice chair of the Commission and any other members of the  
431 Commission who serve on the Executive Committee shall be voting members of the  
432 Executive Committee; and
- 433 b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect  
434 three voting members from the current membership of the Commission.
- 435 c. The Commission may elect ex-officio, nonvoting members as necessary as follows:
- 436 i. One ex-officio member who is a representative of the national association of State  
437 Massage Therapy regulatory boards
- 438 ii. One ex-officio member as specified in the Commission's bylaws.
- 439 3. The Commission may remove any member of the Executive Committee as provided in  
440 the Commission's bylaws.
- 441 4. The Executive Committee shall meet at least annually.
- 442 a. Executive Committee meetings shall be open to the public, except that the Executive  
443 Committee may meet in a closed, non-public session of a public meeting when  
444 dealing with any of the matters covered under subsection F.4.
- 445 b. The Executive Committee shall give five business days advance notice of its public  
446 meetings, posted on its website and as determined to provide notice to persons with  
447 an interest in the public matters the Executive Committee intends to address at those  
448 meetings.

- 449 5. The Executive Committee may hold an emergency meeting when acting for the  
450 Commission to:
- 451 a. Meet an imminent threat to public health, safety, or welfare;  
452 b. Prevent a loss of Commission or Participating State funds; or  
453 c. Protect public health and safety.
- 454 E. The Commission shall adopt and provide to the Member States an annual report.
- 455 F. Meetings of the Commission
- 456 1. All meetings of the Commission that are not closed pursuant to this subsection shall be  
457 open to the public. Notice of public meetings shall be posted on the Commission's  
458 website at least thirty (30) days prior to the public meeting.
- 459
- 460 2. Notwithstanding subsection F.1 of this Article, the Commission may convene an  
461 emergency public meeting by providing at least twenty-four (24) hours prior notice on  
462 the Commission's website, and any other means as provided in the Commission's Rules,  
463 for any of the reasons it may dispense with notice of proposed rulemaking under Article  
464 10.L. The Commission's legal counsel shall certify the that one of the reasons justifying  
465 an emergency public meeting has been met.
- 466
- 467 3. Notice of all Commission meetings shall provide the time, date, and location of the  
468 meeting, and if the meeting is to be held or accessible via telecommunication, video  
469 conference, or other electronic means, the notice shall include the mechanism for access  
470 to the meeting.
- 471 4. The Commission may convene in a closed, non-public meeting for the Commission to  
472 discuss:
- 473 a. Non-compliance of a Member State with its obligations under the Compact;
- 474 b. The employment, compensation, discipline or other matters, practices or procedures  
475 related to specific employees or other matters related to the Commission's internal  
476 personnel practices and procedures;
- 477 c. Current or threatened discipline of a Licensee by the Commission or by a Member  
478 State's Licensing Authority;
- 479 d. Current, threatened, or reasonably anticipated litigation;
- 480 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real  
481 estate;
- 482 f. Accusing any person of a crime or formally censuring any person;

- 483 g. Trade secrets or commercial or financial information that is privileged or  
484 confidential;
- 485 h. Information of a personal nature where disclosure would constitute a clearly  
486 unwarranted invasion of personal privacy;
- 487 i. Investigative records compiled for law enforcement purposes;
- 488 j. Information related to any investigative reports prepared by or on behalf of or for use  
489 of the Commission or other committee charged with responsibility of investigation or  
490 determination of compliance issues pursuant to the Compact;
- 491 k. Legal advice;
- 492 l. Matters specifically exempted from disclosure to the public by federal or Member  
493 State law; or
- 494 m. Other matters as promulgated by the Commission by Rule.
- 495 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the  
496 meeting will be closed and reference each relevant exempting provision, and such  
497 reference shall be recorded in the minutes.
- 498 6. The Commission shall keep minutes that fully and clearly describe all matters discussed  
499 in a meeting and shall provide a full and accurate summary of actions taken, and the  
500 reasons therefore, including a description of the views expressed. All documents  
501 considered in connection with an action shall be identified in such minutes. All minutes  
502 and documents of a closed meeting shall remain under seal, subject to release only by a  
503 majority vote of the Commission or order of a court of competent jurisdiction.

504 G. Financing of the Commission

- 505 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its  
506 establishment, organization, and ongoing activities.
- 507 2. The Commission may accept any and all appropriate sources of revenue, donations, and  
508 grants of money, equipment, supplies, materials, and services.
- 509 3. The Commission may levy on and collect an annual assessment from each Member State  
510 and impose fees on Licensees of Member States to whom it grants a Multistate License to  
511 cover the cost of the operations and activities of the Commission and its staff, which must  
512 be in a total amount sufficient to cover its annual budget as approved each year for which  
513 revenue is not provided by other sources. The aggregate annual assessment amount for  
514 Member States shall be allocated based upon a formula that the Commission shall  
515 promulgate by Rule.

516 4. The Commission shall not incur obligations of any kind prior to securing the funds  
517 adequate to meet the same; nor shall the Commission pledge the credit of any Member  
518 States, except by and with the authority of the Member State.

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

#### 525 H. Qualified Immunity, Defense, and Indemnification

526 1. The members, officers, executive director, employees and representatives of the  
527 Commission shall be immune from suit and liability, both personally and in their official  
528 capacity, for any claim for damage to or loss of property or personal injury or other civil  
529 liability caused by or arising out of any actual or alleged act, error, or omission that  
530 occurred, or that the person against whom the claim is made had a reasonable basis for  
531 believing occurred within the scope of Commission employment, duties or  
532 responsibilities; provided that nothing in this paragraph shall be construed to protect any  
533 such person from suit or liability for any damage, loss, injury, or liability caused by the  
534 intentional or willful or wanton misconduct of that person. The procurement of insurance  
535 of any type by the Commission shall not in any way compromise or limit the immunity  
536 granted hereunder.

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

547 3. The Commission shall indemnify and hold harmless any member, officer, executive  
548 director, employee, and representative of the Commission for the amount of any  
549 settlement or judgment obtained against that person arising out of any actual or alleged  
550 act, error, or omission that occurred within the scope of Commission employment, duties,  
551 or responsibilities, or that such person had a reasonable basis for believing occurred  
552 within the scope of Commission employment, duties, or responsibilities, provided that the  
553 actual or alleged act, error, or omission did not result from the intentional or willful or  
554 wanton misconduct of that person.

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

558 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member  
559 State's State action immunity or State action affirmative defense with respect to antitrust  
560 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or  
561 anticompetitive law or regulation.

562 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the  
563 Member States or by the Commission.

#### 564 **ARTICLE 9- DATA SYSTEM**

565 A. The Commission shall provide for the development, maintenance, operation, and utilization  
566 of a coordinated database and reporting system.

567 B. The Commission shall assign each applicant for a Multistate License a unique identifier, as  
568 determined by the Rules of the Commission.

569 C. Notwithstanding any other provision of State law to the contrary, a Member State shall  
570 submit a uniform data set to the Data System on all individuals to whom this Compact is  
571 applicable as required by the Rules of the Commission, including:

572 1. Identifying information;

573 2. Licensure data;

574 3. Adverse Actions against a license and information related thereto;

575 4. Non-confidential information related to Alternative Program participation, the beginning  
576 and ending dates of such participation, and other information related to such  
577 participation;

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

580 6. The existence of Investigative Information;

581 7. The existence presence of Current Significant Investigative Information; and

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

584 D. The records and information provided to a Member State pursuant to this Compact or  
585 through the Data System, when certified by the Commission or an agent thereof, shall  
586 constitute the authenticated business records of the Commission, and shall be entitled to any  
587 associated hearsay exception in any relevant judicial, quasi-judicial or administrative

- 588 proceedings in a Member State.
- 589 E. The existence of Current Significant Investigative Information and the existence of  
590 Investigative Information pertaining to a Licensee in any Member State will only be available  
591 to other Member States.
- 592 F. It is the responsibility of the Member States to report any Adverse Action against a Licensee  
593 who holds a Multistate License and to monitor the database to determine whether Adverse  
594 Action has been taken against such a Licensee or License applicant. Adverse Action  
595 information pertaining to a Licensee or License applicant in any Member State will be  
596 available to any other Member State.
- 597 G. Member States contributing information to the Data System may designate information that  
598 may not be shared with the public without the express permission of the contributing State.
- 599 H. Any information submitted to the Data System that is subsequently expunged pursuant to  
600 federal law or the laws of the Member State contributing the information shall be removed  
601 from the Data System.

602 **ARTICLE 10- RULEMAKING**

- 603 A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently  
604 implement and administer the purposes and provisions of the Compact. A Rule shall be  
605 invalid and have no force or effect only if a court of competent jurisdiction holds that the  
606 Rule is invalid because the Commission exercised its rulemaking authority in a manner that  
607 is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based  
608 upon another applicable standard of review.
- 609 B. The Rules of the Commission shall have the force of law in each Member State, provided  
610 however that where the Rules of the Commission conflict with the laws of the Member State  
611 that establish the Member State's scope of practice as held by a court of competent  
612 jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the  
613 conflict.
- 614 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in  
615 this article and the Rules adopted thereunder. Rules shall become binding as of the date  
616 specified by the Commission for each Rule.
- 617 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by  
618 enactment of a statute or resolution in the same manner used to adopt the Compact within  
619 four (4) years of the date of adoption of the Rule, then such Rule shall have no further force  
620 and effect in any Member State or to any State applying to participate in the Compact.
- 621 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 622 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow  
623 persons to provide oral and written comments, data, facts, opinions, and arguments.



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

- 627 1. On the website of the Commission or other publicly accessible platform;
- 628 2. To persons who have requested notice of the Commission's notices of proposed  
629 rulemaking, and
- 630 3. In such other way(s) as the Commission may by Rule specify.

631 H. The Notice of Proposed Rulemaking shall include:

- 632 1. The time, date, and location of the public hearing at which the Commission will hear  
633 public comments on the proposed Rule and, if different, the time, date, and location of  
634 the meeting where the Commission will consider and vote on the proposed Rule;
- 635 2. If the hearing is held via telecommunication, video conference, or other electronic means,  
636 the Commission shall include the mechanism for access to the hearing in the Notice of  
637 Proposed Rulemaking;
- 638 3. The text of the proposed Rule and the reason therefor;
- 639 4. A request for comments on the proposed Rule from any interested person; and
- 640 5. The manner in which interested persons may submit written comments.

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

644 J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules  
645 may be grouped for the convenience of the Commission at hearings required by this article.

646 K. The Commission shall, by majority vote of all Commissioners, take final action on the  
647 proposed Rule based on the Rulemaking record.

- 648 1. The Commission may adopt changes to the proposed Rule provided the changes do not  
649 enlarge the original purpose of the proposed Rule.
- 650 2. The Commission shall provide an explanation of the reasons for substantive changes  
651 made to the proposed Rule as well as reasons for substantive changes not made that were  
652 recommended by commenters.
- 653 3. The Commission shall determine a reasonable effective date for the Rule. Except for an  
654 emergency as provided in subsection L, the effective date of the Rule shall be no sooner  
655 than thirty (30) days after the Commission issuing the notice that it adopted or amended  
656 the Rule.

657 L. Upon determination that an emergency exists, the Commission may consider and adopt an  
658 emergency Rule with 24 hours notice, provided that the usual Rulemaking procedures  
659 provided in the Compact and in this article shall be retroactively applied to the Rule as soon  
660 as reasonably possible, in no event later than ninety (90) days after the effective date of the  
661 Rule. For the purposes of this provision, an emergency Rule is one that must be adopted  
662 immediately to:

- 663 1. Meet an imminent threat to public health, safety, or welfare;
- 664 2. Prevent a loss of Commission or Member State funds;
- 665 3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule;  
666 or
- 667 4. Protect public health and safety.

668 M. The Commission or an authorized committee of the Commission may direct revisions to a  
669 previously adopted Rule for purposes of correcting typographical errors, errors in format,  
670 errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on  
671 the website of the Commission. The revision shall be subject to challenge by any person for a  
672 period of thirty (30) days after posting. The revision may be challenged only on grounds that  
673 the revision results in a material change to a Rule. A challenge shall be made in writing and  
674 delivered to the Commission prior to the end of the notice period. If no challenge is made,  
675 the revision will take effect without further action. If the revision is challenged, the revision  
676 may not take effect without the approval of the Commission.

677 N. No Member State's rulemaking requirements shall apply under this Compact.

## 678 **ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

### 679 **A. Oversight**

- 680 1. The executive and judicial branches of State government in each Member State shall  
681 enforce this Compact and take all actions necessary and appropriate to implement the  
682 Compact.
- 683 2. Venue is proper and judicial proceedings by or against the Commission shall be brought  
684 solely and exclusively in a court of competent jurisdiction where the principal office of  
685 the Commission is located. The Commission may waive venue and jurisdictional  
686 defenses to the extent it adopts or consents to participate in alternative dispute resolution  
687 proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any  
688 action against a Licensee for professional malpractice, misconduct or any such similar  
689 matter.
- 690 3. The Commission shall be entitled to receive service of process in any proceeding  
691 regarding the enforcement or interpretation of the Compact and shall have standing to  
692 intervene in such a proceeding for all purposes. Failure to provide the Commission  
693 service of process shall render a judgment or order void as to the Commission, this

694 Compact, or promulgated Rules.

695 B. Default, Technical Assistance, and Termination

696 1. If the Commission determines that a Member State has defaulted in the performance of  
697 its obligations or responsibilities under this Compact or the promulgated Rules, the  
698 Commission shall provide written notice to the defaulting State. The notice of default  
699 shall describe the default, the proposed means of curing the default, and any other action  
700 that the Commission may take, and shall offer training and specific technical assistance  
701 regarding the default.

702 2. The Commission shall provide a copy of the notice of default to the other Member States.  
703

704 C. If a State in default fails to cure the default, the defaulting State may be terminated from the  
705 Compact upon an affirmative vote of a majority of the delegates of the Member States, and  
706 all rights, privileges and benefits conferred on that State by this Compact may be terminated  
707 on the effective date of termination. A cure of the default does not relieve the offending State  
708 of obligations or liabilities incurred during the period of default.

709 D. Termination of membership in the Compact shall be imposed only after all other means of  
710 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be  
711 given by the Commission to the governor, the majority and minority leaders of the defaulting  
712 State's legislature, the defaulting State's State Licensing Authority and each of the Member  
713 States' State Licensing Authority.

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

717 F. Upon the termination of a State's membership from this Compact, that State shall  
718 immediately provide notice to all Licensees who hold a Multistate License within that State  
719 of such termination. The terminated State shall continue to recognize all licenses granted  
720 pursuant to this Compact for a minimum of one hundred eighty (180) days after the date of  
721 said notice of termination.

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

725 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.  
726 District Court for the District of Columbia or the federal district where the Commission has  
727 its principal offices. The prevailing party shall be awarded all costs of such litigation,  
728 including reasonable attorney's fees.

729 I. Dispute Resolution

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

732 Member States.

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

735 J. Enforcement

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

738 2. By majority vote as provided by Commission Rule, the Commission may initiate legal  
739 action against a Member State in default in the United States District Court for the  
740 District of Columbia or the federal district where the Commission has its principal offices  
741 to enforce compliance with the provisions of the Compact and its promulgated Rules. The  
742 relief sought may include both injunctive relief and damages. In the event judicial  
743 enforcement is necessary, the prevailing party shall be awarded all costs of such  
744 litigation, including reasonable attorney's fees. The remedies herein shall not be the  
745 exclusive remedies of the Commission. The Commission may pursue any other remedies  
746 available under federal or the defaulting Member State's law.

747 3. A Member State may initiate legal action against the Commission in the U.S. District  
748 Court for the District of Columbia or the federal district where the Commission has its  
749 principal offices to enforce compliance with the provisions of the Compact and its  
750 promulgated Rules. The relief sought may include both injunctive relief and damages. In  
751 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs  
752 of such litigation, including reasonable attorney's fees.

753 4. No individual or entity other than a Member State may enforce this Compact against the  
754 Commission.

755 **ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT**

756 A. The Compact shall come into effect on the date on which the Compact statute is enacted  
757 into law in the seventh Member State.

758 1. On or after the effective date of the Compact, the Commission shall convene and  
759 review the enactment of each of the Charter Member States to determine if the  
760 statute enacted by each such Charter Member State is materially different than the  
761 model Compact statute.

762 a. A Charter Member State whose enactment is found to be materially different from  
763 the model Compact statute shall be entitled to the default process set forth in  
764 Article 11.

765 b. If any Member State is later found to be in default, or is terminated or withdraws  
766 from the Compact, the Commission shall remain in existence and the Compact  
767 shall remain in effect even if the number of Member States should be less than  
768 seven (7).

769 2. Member States enacting the Compact subsequent to the Charter Member States shall  
770 be subject to the process set forth in Article 8.C.23 to determine if their enactments  
771 are materially different from the model Compact statute and whether they qualify for  
772 participation in the Compact.

773 3. All actions taken for the benefit of the Commission or in furtherance of the purposes of  
774 the administration of the Compact prior to the effective date of the Compact or the  
775 Commission coming into existence shall be considered to be actions of the  
776 Commission unless specifically repudiated by the Commission.

777 4. Any State that joins the Compact shall be subject to the Commission's Rules and  
778 bylaws as they exist on the date on which the Compact becomes law in that State.  
779 Any Rule that has been previously adopted by the Commission shall have the full  
780 force and effect of law on the day the Compact becomes law in that State.

781  
782 B. Any Member State may withdraw from this Compact by enacting a statute repealing that  
783 State's enactment of the Compact.

784 1. A Member State's withdrawal shall not take effect until one hundred eighty (180)  
785 days after enactment of the repealing statute.

786 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's  
787 Licensing Authority to comply with the investigative and Adverse Action reporting  
788 requirements of this Compact prior to the effective date of withdrawal.

789 3. Upon the enactment of a statute withdrawing from this Compact, a State shall  
790 immediately provide notice of such withdrawal to all Licensees within that State.  
791 Notwithstanding any subsequent statutory enactment to the contrary, such  
792 withdrawing State shall continue to recognize all licenses granted pursuant to this  
793 Compact for a minimum of 180 days after the date of such notice of withdrawal.  
794

795 C. Nothing contained in this Compact shall be construed to invalidate or prevent any  
796 licensure agreement or other cooperative arrangement between a Member State and a  
797 non-Member State that does not conflict with the provisions of this Compact.  
798

799 D. This Compact may be amended by the Member States. No amendment to this Compact  
800 shall become effective and binding upon any Member State until it is enacted into the  
801 laws of all Member States.

## 802 **ARTICLE 13. CONSTRUCTION AND SEVERABILITY**

803 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as  
804 to effectuate the purposes, and the implementation and administration of the Compact.  
805 Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall  
806 not be construed to limit the Commission's rulemaking authority solely for those purposes.

807 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence or  
808 provision of this Compact is held by a court of competent jurisdiction to be contrary to the

809 constitution of any Member State, a State seeking participation in the Compact, or of the  
810 United States, or the applicability thereof to any government, agency, person or circumstance  
811 is held to be unconstitutional by a court of competent jurisdiction, the validity of the  
812 remainder of this Compact and the applicability thereof to any other government, agency,  
813 person or circumstance shall not be affected thereby.

814 C. Notwithstanding subsection B of this article, the Commission may deny a State's  
815 participation in the Compact or, in accordance with the requirements of Article 11.B,  
816 terminate a Member State's participation in the Compact, if it determines that a constitutional  
817 requirement of a Member State is a material departure from the Compact. Otherwise, if this  
818 Compact shall be held to be contrary to the constitution of any Member State, the Compact  
819 shall remain in full force and effect as to the remaining Member States and in full force and  
820 effect as to the Member State affected as to all severable matters.

821 **ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS**

822 Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State  
823 that is not inconsistent with the Compact.

824 Any laws, statutes, regulations, or other legal requirements in a Member State in conflict  
825 with the Compact are superseded to the extent of the conflict.

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