

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1217

5 By: Representative Nazarenko  
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7

## For An Act To Be Entitled

9 AN ACT TO ESTABLISH THE INTERSTATE MESSAGE COMPACT IN  
10 ARKANSAS; AND FOR OTHER PURPOSES.  
11

## Subtitle

13 TO ESTABLISH THE INTERSTATE MESSAGE  
14 COMPACT IN ARKANSAS.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code Title 17, Chapter 86, is amended to add an  
20 additional subchapter to read as follows:

21 Subchapter 4 – Interstate Message Compact  
22

23 17-86-401. Text of compact.

24 The Interstate Message Compact is enacted into law and entered into by  
25 this state with all states legally joining therein and in the form  
26 substantially as follows:  
27

28 INTERSTATE MESSAGE COMPACT  
29

30 ARTICLE 1- PURPOSE

31 The purpose of this Compact is to reduce the burdens on State governments and  
32 to facilitate the interstate practice and regulation of Massage Therapy with  
33 the goal of improving public access to, and the safety of, Massage Therapy  
34 Services. Through this Compact, the Member States seek to establish a  
35 regulatory framework which provides for a new multistate licensing  
36 program. Through this additional licensing pathway, the Member States seek to



1 provide increased value and mobility to licensed massage therapists in the  
 2 Member States, while ensuring the provision of safe, competent, and reliable  
 3 services to the public.

4  
 5 This Compact is designed to achieve the following objectives, and the Member  
 6 States hereby ratify the same intentions by subscribing hereto:

7 A. Increase public access to Massage Therapy Services by providing for  
 8 a multistate licensing pathway;

9 B. Enhance the Member States’ ability to protect the public’s health  
 10 and safety;

11 C. Enhance the Member States’ ability to prevent human trafficking and  
 12 licensure fraud;

13 D. Encourage the cooperation of Member States in regulating the  
 14 multistate Practice of Massage Therapy;

15 E. Support relocating military members and their spouses;

16 F. Facilitate and enhance the exchange of licensure, investigative,  
 17 and disciplinary information between the Member States;

18 G. Create an Interstate Commission that will exist to implement and  
 19 administer the Compact;

20 H. Allow a Member State to hold a Licensee accountable, even where  
 21 that Licensee holds a Multistate License;

22 I. Create a streamlined pathway for Licensees to practice in Member  
 23 States, thus increasing the mobility of duly licensed massage therapists; and

24 J. Serve the needs of licensed massage therapists and the public  
 25 receiving their services; however,

26 K. Nothing in this Compact is intended to prevent a State from  
 27 enforcing its own laws regarding the Practice of Massage Therapy.

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 29 ARTICLE 2- DEFINITIONS

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

33 A. “Active Duty Military” - any individual in full-time duty status in the  
 34 active uniformed service of the United States including members of the  
 35 National Guard and Reserve.

36 B. “Adverse Action” - any administrative, civil, equitable, or criminal

1 action permitted by a Member State's laws which is imposed by a Licensing  
2 Authority or other regulatory body against a Licensee, including actions  
3 against an individual's Authorization to Practice such as revocation,  
4 suspension, probation, surrender in lieu of discipline, monitoring of the  
5 Licensee, limitation of the Licensee's practice, or any other Encumbrance on  
6 licensure affecting an individual's ability to practice Massage Therapy,  
7 including the issuance of a cease and desist order.

8 C. "Alternative Program" - a non-disciplinary monitoring or prosecutorial  
9 diversion program approved by a Member State's Licensing Authority.

10 D. "Authorization to Practice" - a legal authorization by a Remote State  
11 pursuant to a Multistate License permitting the Practice of Massage Therapy  
12 in that Remote State, which shall be subject to the enforcement jurisdiction  
13 of the Licensing Authority in that Remote State.

14 E. "Background Check" - the submission of an applicant's criminal history  
15 record information, as further defined in 28 C.F.R. § 20.3(d), as amended  
16 from the Federal Bureau of Investigation and the agency responsible for  
17 retaining State criminal records in the applicant's Home State.

18 F. "Charter Member States" - Member States who have enacted legislation to  
19 adopt this Compact where such legislation predates the effective date of this  
20 Compact as defined in Article 12.

21 G. "Commission" - the government agency whose membership consists of all  
22 States that have enacted this Compact, which is known as the Interstate  
23 Massage Compact Commission, as defined in Article 8, and which shall operate  
24 as an instrumentality of the Member States.

25 H. "Continuing Competence" - a requirement, as a condition of license  
26 renewal, to provide evidence of participation in, and completion of,  
27 educational or professional activities that maintain, improve, or enhance  
28 Massage Therapy fitness to practice.

29 I. "Current Significant Investigative Information" - Investigative  
30 Information that a Licensing Authority, after an inquiry or investigation  
31 that complies with a Member State's due process requirements, has reason to  
32 believe is not groundless and, if proved true, would indicate a violation of  
33 that State's laws regarding the Practice of Massage Therapy.

34 J. "Data System" - a repository of information about Licensees who hold  
35 Multistate Licenses, which may include but is not limited to license status,  
36 Investigative Information, and Adverse Actions.

- 1 K. “Disqualifying Event” - any event which shall disqualify an individual  
2 from holding a Multistate License under this Compact, which the Commission  
3 may by Rule specify.
- 4 L. “Encumbrance” - a revocation or suspension of, or any limitation or  
5 condition on, the full and unrestricted Practice of Massage Therapy by a  
6 Licensing Authority.
- 7 M. “Executive Committee” - a group of delegates elected or appointed to act  
8 on behalf of, and within the powers granted to them by, the Commission.
- 9 N. “Home State” - means the Member State which is a Licensee’s primary state  
10 of residence where the Licensee holds an active Single-State License.
- 11 O. “Investigative Information” - information, records, or documents received  
12 or generated by a Licensing Authority pursuant to an investigation or other  
13 inquiry.
- 14 P. “Licensing Authority” - a State’s regulatory body responsible for issuing  
15 Massage Therapy licenses or otherwise overseeing the Practice of Massage  
16 Therapy in that State.
- 17 Q. “Licensee” - an individual who currently holds a license from a Member  
18 State to fully practice Massage Therapy, whose license is not a student,  
19 provisional, temporary, inactive, or other similar status.
- 20 R. “Massage Therapy”, “Massage Therapy Services”, and the “Practice of  
21 Massage Therapy” - the care and services provided by a Licensee as set forth  
22 in the Member State’s statutes and regulations in the State where the  
23 services are being provided.
- 24 S. “Member State” - any State that has adopted this Compact.
- 25 T. “Multistate License” - a license that consists of Authorizations to  
26 Practice Massage Therapy in all Remote States pursuant to this Compact, which  
27 shall be subject to the enforcement jurisdiction of the Licensing Authority  
28 in a Licensee’s Home State.
- 29 U. “National Licensing Examination” - A national examination developed by a  
30 national association of Massage Therapy regulatory boards, as defined by  
31 Commission Rule, that is derived from a practice analysis and is consistent  
32 with generally accepted psychometric principles of fairness, validity and  
33 reliability, and is administered under secure and confidential examination  
34 protocols.
- 35 V. “Remote State” - any Member State, other than the Licensee’s Home State.
- 36 W. “Rule” - any opinion or regulation promulgated by the Commission under

1 this Compact, which shall have the force of law.

2 X. "Single-State License" - a current, valid authorization issued by a  
3 Member State's Licensing Authority allowing an individual to fully practice  
4 Massage Therapy, that is not a restricted, student, provisional, temporary,  
5 or inactive practice authorization and authorizes practice  
6 only within the issuing State.

7 Y. "State" - a state, territory, possession of the United States, or the  
8 District of Columbia.

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10 ARTICLE 3- MEMBER STATE REQUIREMENTS

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

13 1. License and regulate the Practice of Massage Therapy;

14 2. Have a mechanism or entity in place to receive and investigate  
15 complaints from the public, regulatory or law enforcement agencies, or the  
16 Commission about Licensees practicing in that State;

17 3. Accept passage of a National Licensing Examination as a criterion  
18 for Massage Therapy licensure in that State;

19 4. Require that Licensees satisfy educational requirements prior to  
20 being licensed to provide Massage Therapy Services to the public in that  
21 State;

22 5. Implement procedures for requiring the Background Check of  
23 applicants for a Multistate License, and for the reporting of any  
24 Disqualifying Events, including but not limited to obtaining and submitting,  
25 for each Licensee holding a Multistate License and each applicant for a  
26 Multistate License, fingerprint or other biometric-based information to the  
27 Federal Bureau of Investigation for Background Checks; receiving the results  
28 of the Federal Bureau of Investigation record search on Background Checks and  
29 considering the results of such a Background Check in making licensure  
30 decisions;

31 6. Have Continuing Competence requirements as a condition for license  
32 renewal;

33 7. Participate in the Data System, including through the use of unique  
34 identifying numbers as described herein;

35 8. Notify the Commission and other Member States, in compliance with  
36 the terms of the Compact and Rules of the Commission, of any disciplinary

1 action taken by the State against a Licensee practicing under a Multistate  
 2 License in that State, or of the existence of Investigative Information or  
 3 Current Significant Investigative Information regarding a Licensee practicing  
 4 in that State pursuant to a Multistate License;

5 9. Comply with the Rules of the Commission;

6 10. Accept Licensees with valid Multistate Licenses from other Member  
 7 States as established herein;

8 B. Individuals not residing in a Member State shall continue to be able to  
 9 apply for a Member State’s Single-State License as provided under the laws of  
 10 each Member State. However, the Single-State License granted to those  
 11 individuals shall not be recognized as granting a Multistate License for  
 12 Massage Therapy in any other Member State;

13 C. Nothing in this Compact shall affect the requirements established by a  
 14 Member State for the issuance of a Single-State License; and

15 D. A Multistate License issued to a Licensee shall be recognized by each  
 16 Remote State as an Authorization to Practice Massage Therapy in each Remote  
 17 State.

18  
 19 ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS

20 A. To qualify for a Multistate License under this Compact, and to maintain  
 21 eligibility for such a license, an applicant must:

22 1. Hold an active Single-State License to practice Massage Therapy in  
 23 the applicant’s Home State;

24 2. Have completed at least six hundred and twenty-five (625) clock  
 25 hours of Massage Therapy education or the substantial equivalent which the  
 26 Commission may approve by Rule.

27 3. Have passed a National Licensing Examination or the substantial  
 28 equivalent which the Commission may approve by Rule.

29 4. Submit to a Background Check;

30 5. Have not been convicted or found guilty, or have entered into an  
 31 agreed disposition, of a felony offense under applicable State or federal  
 32 criminal law, within five (5) years prior to the date of their application,  
 33 where such a time period shall not include any time served for the offense,  
 34 and provided that the applicant has completed any and all requirements  
 35 arising as a result of any such offense;

36 6. Have not been convicted or found guilty, or have entered into an

1 agreed disposition, of a misdemeanor offense related to the Practice of  
 2 Massage Therapy under applicable State or federal criminal law, within two  
 3 (2) years prior to the date of their application where such a time period  
 4 shall not include any time served for the offense, and provided that the  
 5 applicant has completed any and all requirements arising as a result of any  
 6 such offense;

7 7. Have not been convicted or found guilty, or have entered into an  
 8 agreed disposition, of any offense, whether a misdemeanor or a felony, under  
 9 State or federal law, at any time, relating to any of the following:

- 10 a. Kidnapping;
- 11 b. Human trafficking;
- 12 c. Human smuggling;
- 13 d. Sexual battery, sexual assault, or any related offenses; or
- 14 e. Any other category of offense which the Commission may by Rule  
 15 designate.

16 8. Have not previously held a Massage Therapy license which was  
 17 revoked by, or surrendered in lieu of discipline to an applicable Licensing  
 18 Authority;

19 9. Have no history of any Adverse Action on any occupational or  
 20 professional license within two (2) years prior to the date of their  
 21 application; and

22 10. Pay all required fees.

23 B. A Multistate License granted pursuant to this Compact may be effective  
 24 for a definite period of time concurrent with the renewal of the Home State  
 25 license.

26 C. A Licensee practicing in a Member State is subject to all scope of  
 27 practice laws governing Massage Therapy Services in that State.

28 D. The Practice of Massage Therapy under a Multistate License granted  
 29 pursuant to this Compact will subject the Licensee to the jurisdiction of the  
 30 Licensing Authority, the courts, and the laws of the Member State in which  
 31 the Massage Therapy Services are provided.

32  
 33 ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND MEMBER  
 34 STATE LICENSING AUTHORITIES

35 A. Nothing in this Compact, nor any Rule of the Commission, shall be  
 36 construed to limit, restrict, or in any way reduce the ability of a Member

1 State to enact and enforce laws, regulations, or other rules related to the  
2 Practice of Massage Therapy in that State, where those laws, regulations, or  
3 other rules are not inconsistent with the provisions of this Compact.

4 B. Nothing in this Compact, nor any Rule of the Commission, shall be  
5 construed to limit, restrict, or in any way reduce the ability of a Member  
6 State to take Adverse Action against a Licensee's Single-State License to  
7 practice Massage Therapy in that State.

8 C. Nothing in this Compact, nor any Rule of the Commission, shall be  
9 construed to limit, restrict, or in any way reduce the ability of a Remote  
10 State to take Adverse Action against a Licensee's Authorization to Practice  
11 in that State.

12 D. Nothing in this Compact, nor any Rule of the Commission, shall be  
13 construed to limit, restrict, or in any way reduce the ability of a  
14 Licensee's Home State to take Adverse Action against a Licensee's Multistate  
15 License based upon information provided by a Remote State.

16 E. Insofar as practical, a Member State's Licensing Authority shall  
17 cooperate with the Commission and with each entity exercising independent  
18 regulatory authority over the Practice of Massage Therapy according to the  
19 provisions of this Compact.

20  
21 ARTICLE 6- ADVERSE ACTIONS

22 A. A Licensee's Home State shall have exclusive power to impose an Adverse  
23 Action against a Licensee's Multistate License issued by the Home State.

24 B. A Home State may take Adverse Action on a Multistate License based on the  
25 Investigative Information, Current Significant Investigative Information, or  
26 Adverse Action of a Remote State.

27 C. A Home State shall retain authority to complete any pending  
28 investigations of a Licensee practicing under a Multistate License who  
29 changes their Home State during the course of such an investigation. The  
30 Licensing Authority shall also be empowered to report the results of such an  
31 investigation to the Commission through the Data System as described herein.

32 D. Any Member State may investigate actual or alleged violations of the  
33 scope of practice laws in any other Member State for a massage therapist who  
34 holds a Multistate License.

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

36 1. Take Adverse Actions against a Licensee's Authorization to



1 Practice;

2 2. Issue cease and desist orders or impose an Encumbrance on a  
3 Licensee's Authorization to Practice in that State.

4 3. Issue subpoenas for both hearings and investigations that require  
5 the attendance and testimony of witnesses, as well as the production of  
6 evidence. Subpoenas issued by a Licensing Authority in a Member State for the  
7 attendance and testimony of witnesses or the production of evidence from  
8 another Member State shall be enforced in the latter State by any court of  
9 competent jurisdiction, according to the practice and procedure of that court  
10 applicable to subpoenas issued in proceedings before it. The issuing  
11 Licensing Authority shall pay any witness fees, travel expenses, mileage, and  
12 other fees required by the service statutes of the State in which the  
13 witnesses or evidence are located.

14 4. If otherwise permitted by State law, recover from the affected  
15 Licensee the costs of investigations and disposition of cases resulting from  
16 any Adverse Action taken against that Licensee.

17 5. Take Adverse Action against the Licensee's Authorization to  
18 Practice in that State based on the factual findings of another Member State.

19 F. If an Adverse Action is taken by the Home State against a Licensee's  
20 Multistate License or Single-State License to practice in the Home State, the  
21 Licensee's Authorization to Practice in all other Member States shall be  
22 deactivated until all Encumbrances have been removed from such license. All  
23 Home State disciplinary orders that impose an Adverse Action against a  
24 Licensee shall include a statement that the Massage Therapist's Authorization  
25 to Practice is deactivated in all Member States during the pendency of the  
26 order.

27 G. If Adverse Action is taken by a Remote State against a Licensee's  
28 Authorization to Practice, that Adverse Action applies to all Authorizations  
29 to Practice in all Remote States. A Licensee whose Authorization to Practice  
30 in a Remote State is removed for a specified period of time is not eligible  
31 to apply for a new Multistate License in any other State until the specific  
32 time for removal of the Authorization to Practice has passed and all  
33 encumbrance requirements are satisfied.

34 H. Nothing in this Compact shall override a Member State's authority to  
35 accept a Licensee's participation in an Alternative Program in lieu of  
36 Adverse Action. A Licensee's Multistate License shall be suspended for the

1 duration of the Licensee's participation in any Alternative Program.

2 I. Joint Investigations

3 1. In addition to the authority granted to a Member State by its  
4 respective scope of practice laws or other applicable State law, a Member  
5 State may participate with other Member States in joint investigations of  
6 Licensees.

7 2. Member States shall share any investigative, litigation, or  
8 compliance materials in furtherance of any joint or individual investigation  
9 initiated under the Compact.

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11 ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES

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

17  
18 ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE COMPACT  
19 COMMISSION

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

26 B. Membership, Voting, and Meetings

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

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

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

33 4. The Commission may recommend removal or suspension of any delegate  
34 from office.

35 5. A Member State's State Licensing Authority shall fill any vacancy  
36 of its delegate occurring on the Commission within 60 days of the vacancy.

1       6. Each delegate shall be entitled to one vote on all matters that are  
2 voted on by the Commission.

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

7 C. The Commission shall have the following powers:

8       1. Establish the fiscal year of the Commission;

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

10       3. Adopt Rules and bylaws;

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

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

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

17       7. Maintain and certify records and information provided to a Member  
18 State as the authenticated business records of the Commission, and designate  
19 an agent to do so on the Commission's behalf;

20       8. Purchase and maintain insurance and bonds;

21       9. Borrow, accept, or contract for services of personnel, including,  
22 but not limited to, employees of a Member State;

23       10. Conduct an annual financial review;

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

29       12. Assess and collect fees;

30       13. Accept any and all appropriate gifts, donations, grants of money,  
31 other sources of revenue, equipment, supplies, materials, and services, and  
32 receive, utilize, and dispose of the same; provided that at all times the  
33 Commission shall avoid any appearance of impropriety or conflict of interest;

34       14. Lease, purchase, retain, own, hold, improve, or use any property,  
35 real, personal, or mixed, or any undivided interest therein;

36       15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or

1 otherwise dispose of any property real, personal, or mixed;

2 16. Establish a budget and make expenditures;

3 17. Borrow money;

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

8 19. Accept and transmit complaints from the public, regulatory or law  
9 enforcement agencies, or the Commission, to the relevant Member State(s)  
10 regarding potential misconduct of Licensees;

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

13 21. Establish and elect an Executive Committee, including a chair and  
14 a vice chair;

15 22. Adopt and provide to the Member States an annual report.

16 23. Determine whether a State's adopted language is materially  
17 different from the model Compact language such that the State would not  
18 qualify for participation in the Compact; and

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

21 D. The Executive Committee

22 1. The Executive Committee shall have the power to act on behalf of  
23 the Commission according to the terms of this Compact. The powers, duties,  
24 and responsibilities of the Executive Committee shall include:

25 a. Overseeing the day-to-day activities of the administration of  
26 the Compact including compliance with the provisions of the Compact, the  
27 Commission's Rules and bylaws, and other such duties as deemed necessary;

28 b. Recommending to the Commission changes to the Rules or  
29 bylaws, changes to this Compact legislation, fees charged to Compact Member  
30 States, fees charged to Licensees, and other fees;

31 c. Ensuring Compact administration services are appropriately  
32 provided, including by contract;

33 d. Preparing and recommending the budget;

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

35 f. Monitoring Compact compliance of Member States and providing  
36 compliance reports to the Commission;

1 g. Establishing additional committees as necessary;

2 h. Exercise the powers and duties of the Commission during the  
3 interim between Commission meetings, except for adopting or amending Rules,  
4 adopting or amending bylaws, and exercising any other powers and duties  
5 expressly reserved to the Commission by Rule or bylaw; and

6 i. Other duties as provided in the Rules or bylaws of the  
7 Commission.

8 2. The Executive Committee shall be composed of seven voting members  
9 and up to two ex-officio members as follows:

10 a. The chair and vice chair of the Commission and any other  
11 members of the Commission who serve on the Executive Committee shall be  
12 voting members of the Executive Committee; and

13 b. Other than the chair, vice-chair, secretary and treasurer,  
14 the Commission shall elect three voting members from the current membership  
15 of the Commission.

16 c. The Commission may elect ex-officio, nonvoting members as  
17 necessary as follows:

18 i. One ex-officio member who is a representative of the  
19 national association of State Massage Therapy regulatory boards

20 ii. One ex-officio member as specified in the Commission's  
21 bylaws.

22 3. The Commission may remove any member of the Executive Committee as  
23 provided in the Commission's bylaws.

24 4. The Executive Committee shall meet at least annually.

25 a. Executive Committee meetings shall be open to the public,  
26 except that the Executive Committee may meet in a closed, non-public session  
27 of a public meeting when dealing with any of the matters covered under  
28 subsection F.4.

29 b. The Executive Committee shall give five business days advance  
30 notice of its public meetings, posted on its website and as determined to  
31 provide notice to persons with an interest in the public matters the  
32 Executive Committee intends to address at those meetings.

33 5. The Executive Committee may hold an emergency meeting when acting  
34 for the Commission to:

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

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

1 c. Protect public health and safety.

2 E. The Commission shall adopt and provide to the Member States an annual  
3 report.

4 F. Meetings of the Commission

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

9 2. Notwithstanding subsection F.1 of this Article, the Commission may  
10 convene an emergency public meeting by providing at least twenty-four (24)  
11 hours prior notice on the Commission's website, and any other means as  
12 provided in the Commission's Rules, for any of the reasons it may dispense  
13 with notice of proposed rulemaking under Article 10.L. The Commission's legal  
14 counsel shall certify the that one of the reasons justifying an emergency  
15 public meeting has been met.

16 3. Notice of all Commission meetings shall provide the time, date, and  
17 location of the meeting, and if the meeting is to be held or accessible via  
18 telecommunication, video conference, or other electronic means, the notice  
19 shall include the mechanism for access to the meeting.

20 4. The Commission may convene in a closed, non-public meeting for the  
21 Commission to discuss:

22 a. Non-compliance of a Member State with its obligations under  
23 the Compact;

24 b. The employment, compensation, discipline or other matters,  
25 practices or procedures related to specific employees or other matters  
26 related to the Commission's internal personnel practices and procedures;

27 c. Current or threatened discipline of a Licensee by the  
28 Commission or by a Member State's Licensing Authority;

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

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

32 f. Accusing any person of a crime or formally censuring any  
33 person;

34 g. Trade secrets or commercial or financial information that is  
35 privileged or confidential;

36 h. Information of a personal nature where disclosure would

1 constitute a clearly unwarranted invasion of personal privacy;

2 i. Investigative records compiled for law enforcement purposes;

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

7 k. Legal advice;

8 l. Matters specifically exempted from disclosure to the public  
9 by federal or Member State law; or

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

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

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

22 G. Financing of the Commission

23 1. The Commission shall pay, or provide for the payment of, the  
24 reasonable expenses of its establishment, organization, and ongoing  
25 activities.

26 2. The Commission may accept any and all appropriate sources of  
27 revenue, donations, and grants of money, equipment, supplies, materials, and  
28 services.

29 3. The Commission may levy on and collect an annual assessment from  
30 each Member State and impose fees on Licensees of Member States to whom it  
31 grants a Multistate License to cover the cost of the operations and  
32 activities of the Commission and its staff, which must be in a total amount  
33 sufficient to cover its annual budget as approved each year for which revenue  
34 is not provided by other sources. The aggregate annual assessment amount for  
35 Member States shall be allocated based upon a formula that the Commission  
36 shall promulgate by Rule.

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

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

12 H. Qualified Immunity, Defense, and Indemnification

13           1. The members, officers, executive director, employees and  
14 representatives of the Commission shall be immune from suit and liability,  
15 both personally and in their official capacity, for any claim for damage to  
16 or loss of property or personal injury or other civil liability caused by or  
17 arising out of any actual or alleged act, error, or omission that occurred,  
18 or that the person against whom the claim is made had a reasonable basis for  
19 believing occurred within the scope of Commission employment, duties or  
20 responsibilities; provided that nothing in this paragraph shall be construed  
21 to protect any such person from suit or liability for any damage, loss,  
22 injury, or liability caused by the intentional or willful or wanton  
23 misconduct of that person. The procurement of insurance of any type by the  
24 Commission shall not in any way compromise or limit the immunity granted  
25 hereunder.

26           2. The Commission shall defend any member, officer, executive  
27 director, employee, and representative of the Commission in any civil action  
28 seeking to impose liability arising out of any actual or alleged act, error,  
29 or omission that occurred within the scope of Commission employment, duties,  
30 or responsibilities, or as determined by the Commission that the person  
31 against whom the claim is made had a reasonable basis for believing occurred  
32 within the scope of Commission employment, duties, or responsibilities;  
33 provided that nothing herein shall be construed to prohibit that person from  
34 retaining their own counsel at their own expense; and provided further, that  
35 the actual or alleged act, error, or omission did not result from that  
36 person's intentional or willful or wanton misconduct.



1       3. The Commission shall indemnify and hold harmless any member,  
2 officer, executive director, employee, and representative of the Commission  
3 for the amount of any settlement or judgment obtained against that person  
4 arising out of any actual or alleged act, error, or omission that occurred  
5 within the scope of Commission employment, duties, or responsibilities, or  
6 that such person had a reasonable basis for believing occurred within the  
7 scope of Commission employment, duties, or responsibilities, provided that  
8 the actual or alleged act, error, or omission did not result from the  
9 intentional or willful or wanton misconduct of that person.

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

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

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

19  
20 ARTICLE 9- DATA SYSTEM

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

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

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

29       1. Identifying information;

30       2. Licensure data;

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

32       4. Non-confidential information related to Alternative Program  
33 participation, the beginning and ending dates of such participation, and  
34 other information related to such participation;

35       5. Any denial of application for licensure, and the reason(s) for such  
36 denial (excluding the reporting of any criminal history record information

1 where prohibited by law);

2 6. The existence of Investigative Information;

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

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

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

14 E. The existence of Current Significant Investigative Information and the  
15 existence of Investigative Information pertaining to a Licensee in any Member  
16 State will only be available to other Member States.

17 F. It is the responsibility of the Member States to report any Adverse  
18 Action against a Licensee who holds a Multistate License and to monitor the  
19 database to determine whether Adverse Action has been taken against such a  
20 Licensee or License applicant. Adverse Action information pertaining to a  
21 Licensee or License applicant in any Member State will be available to any  
22 other Member State.

23 G. Member States contributing information to the Data System may designate  
24 information that may not be shared with the public without the express  
25 permission of the contributing State.

26 H. Any information submitted to the Data System that is subsequently  
27 expunged pursuant to federal law or the laws of the Member State contributing  
28 the information shall be removed from the Data System.

29  
30 ARTICLE 10- RULEMAKING

31 A. The Commission shall promulgate reasonable Rules in order to effectively  
32 and efficiently implement and administer the purposes and provisions of the  
33 Compact. A Rule shall be invalid and have no force or effect only if a court  
34 of competent jurisdiction holds that the Rule is invalid because the  
35 Commission exercised its rulemaking authority in a manner that is beyond the  
36 scope and purposes of the Compact, or the powers granted hereunder, or based

- 1 upon another applicable standard of review.
- 2 B. The Rules of the Commission shall have the force of law in each Member  
3 State, provided however that where the Rules of the Commission conflict with  
4 the laws of the Member State that establish the Member State's scope of  
5 practice as held by a court of competent jurisdiction, the Rules of the  
6 Commission shall be ineffective in that State to the extent of the conflict.
- 7 C. The Commission shall exercise its Rulemaking powers pursuant to the  
8 criteria set forth in this article and the Rules adopted thereunder. Rules  
9 shall become binding as of the date specified by the Commission for each  
10 Rule.
- 11 D. If a majority of the legislatures of the Member States rejects a Rule or  
12 portion of a Rule, by enactment of a statute or resolution in the same manner  
13 used to adopt the Compact within four (4) years of the date of adoption of  
14 the Rule, then such Rule shall have no further force and effect in any Member  
15 State or to any State applying to participate in the Compact.
- 16 E. Rules shall be adopted at a regular or special meeting of the Commission.
- 17 F. Prior to adoption of a proposed Rule, the Commission shall hold a public  
18 hearing and allow persons to provide oral and written comments, data, facts,  
19 opinions, and arguments.
- 20 G. Prior to adoption of a proposed Rule by the Commission, and at least  
21 thirty (30) days in advance of the meeting at which the Commission will hold  
22 a public hearing on the proposed Rule, the Commission shall provide a Notice  
23 of Proposed Rulemaking:
- 24 1. On the website of the Commission or other publicly accessible  
25 platform;
- 26 2. To persons who have requested notice of the Commission's notices of  
27 proposed rulemaking, and
- 28 3. In such other way(s) as the Commission may by Rule specify.
- 29 H. The Notice of Proposed Rulemaking shall include:
- 30 1. The time, date, and location of the public hearing at which the  
31 Commission will hear public comments on the proposed Rule and, if different,  
32 the time, date, and location of the meeting where the Commission will  
33 consider and vote on the proposed Rule;
- 34 2. If the hearing is held via telecommunication, video conference, or  
35 other electronic means, the Commission shall include the mechanism for access  
36 to the hearing in the Notice of Proposed Rulemaking;

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

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

4       5. The manner in which interested persons may submit written comments.

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

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

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

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

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

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

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

29       1. Meet an imminent threat to public health, safety, or welfare;

30       2. Prevent a loss of Commission or Member State funds;

31       3. Meet a deadline for the promulgation of a Rule that is established  
32 by federal law or rule; or

33       4. Protect public health and safety.

34 M. The Commission or an authorized committee of the Commission may direct  
35 revisions to a previously adopted Rule for purposes of correcting  
36 typographical errors, errors in format, errors in consistency, or grammatical

1 errors. Public notice of any revisions shall be posted on the website of the  
2 Commission. The revision shall be subject to challenge by any person for a  
3 period of thirty (30) days after posting. The revision may be challenged only  
4 on grounds that the revision results in a material change to a Rule. A  
5 challenge shall be made in writing and delivered to the Commission prior to  
6 the end of the notice period. If no challenge is made, the revision will take  
7 effect without further action. If the revision is challenged, the revision  
8 may not take effect without the approval of the Commission.

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

10  
11 ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

12 A. Oversight

13 1. The executive and judicial branches of State government in each  
14 Member State shall enforce this Compact and take all actions necessary and  
15 appropriate to implement the Compact.

16 2. Venue is proper and judicial proceedings by or against the  
17 Commission shall be brought solely and exclusively in a court of competent  
18 jurisdiction where the principal office of the Commission is located. The  
19 Commission may waive venue and jurisdictional defenses to the extent it  
20 adopts or consents to participate in alternative dispute resolution  
21 proceedings. Nothing herein shall affect or limit the selection or propriety  
22 of venue in any action against a Licensee for professional malpractice,  
23 misconduct or any such similar matter.

24 3. The Commission shall be entitled to receive service of process in  
25 any proceeding regarding the enforcement or interpretation of the Compact and  
26 shall have standing to intervene in such a proceeding for all purposes.  
27 Failure to provide the Commission service of process shall render a judgment  
28 or order void as to the Commission, this Compact, or promulgated Rules.

29 B. Default, Technical Assistance, and Termination

30 1. If the Commission determines that a Member State has defaulted in  
31 the performance of its obligations or responsibilities under this Compact or  
32 the promulgated Rules, the Commission shall provide written notice to the  
33 defaulting State. The notice of default shall describe the default, the  
34 proposed means of curing the default, and any other action that the  
35 Commission may take, and shall offer training and specific technical  
36 assistance regarding the default.

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

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

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

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

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

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

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

33 I. Dispute Resolution

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

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

3 J. Enforcement

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

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

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

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

26  
27 ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

9           3. All actions taken for the benefit of the Commission or in  
10 furtherance of the purposes of the administration of the Compact prior to the  
11 effective date of the Compact or the Commission coming into existence shall  
12 be considered to be actions of the Commission unless specifically repudiated  
13 by the Commission.

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

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

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

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

27           3. Upon the enactment of a statute withdrawing from this Compact, a  
28 State shall immediately provide notice of such withdrawal to all Licensees  
29 within that State. Notwithstanding any subsequent statutory enactment to the  
30 contrary, such withdrawing State shall continue to recognize all licenses  
31 granted pursuant to this Compact for a minimum of 180 days after the date of  
32 such notice of withdrawal.

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



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

4  
5 ARTICLE 13. CONSTRUCTION AND SEVERABILITY

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

11 B. The provisions of this Compact shall be severable and if any phrase,  
12 clause, sentence or provision of this Compact is held by a court of competent  
13 jurisdiction to be contrary to the constitution of any Member State, a State  
14 seeking participation in the Compact, or of the United States, or the  
15 applicability thereof to any government, agency, person or circumstance is  
16 held to be unconstitutional by a court of competent jurisdiction, the  
17 validity of the remainder of this Compact and the applicability thereof to  
18 any other government, agency, person or circumstance shall not be affected  
19 thereby.

20 C. Notwithstanding subsection B of this article, the Commission may deny a  
21 State's participation in the Compact or, in accordance with the requirements  
22 of Article 11.B, terminate a Member State's participation in the Compact, if  
23 it determines that a constitutional requirement of a Member State is a  
24 material departure from the Compact. Otherwise, if this Compact shall be held  
25 to be contrary to the constitution of any Member State, the Compact shall  
26 remain in full force and effect as to the remaining Member States and in full  
27 force and effect as to the Member State affected as to all severable matters.

28  
29 ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

30  
31 Nothing herein shall prevent or inhibit the enforcement of any other law of a  
32 Member State that is not inconsistent with the Compact.

33  
34 Any laws, statutes, regulations, or other legal requirements in a Member  
35 State in conflict with the Compact are superseded to the extent of the  
36 conflict.

1  
2 All permissible agreements between the Commission and the Member States are  
3 binding in accordance with their terms.

4  
5 17-86-402. Administration of compact – Rules.

6 (a) The Department of Health is the Interstate Massage Compact  
7 administrator for this state.

8 (b) The department may adopt rules that are consistent with the  
9 Interstate Massage Compact necessary to implement this subchapter.

10 (c) The department is not required to adopt the rules of the  
11 Interstate Massage Compact Commission for the rules of the Interstate Massage  
12 Compact Commission to be effective in this state.

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