

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 56**

**Senator Roegner**

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**A BILL**

To enact sections 4731.156 and 4731.157 of the 1  
Revised Code to enter into the Interstate 2  
Massage Compact (IMpact). 3

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4731.156 and 4731.157 of the 4  
Revised Code be enacted to read as follows: 5

**Sec. 4731.156.** The "Interstate Massage Compact (IMpact)" 6  
is hereby ratified, enacted into law, and entered into by the 7  
state of Ohio as a party to the compact with any other state 8  
that has legally joined in the compact as follows: 9

**INTERSTATE MASSAGE COMPACT** 10

**ARTICLE 1- PURPOSE** 11

The purpose of this Compact is to reduce the burdens on 12  
State governments and to facilitate the interstate practice and 13  
regulation of Massage Therapy with the goal of improving public 14  
access to, and the safety of, Massage Therapy Services. Through 15  
this Compact, the Member States seek to establish a regulatory 16  
framework which provides for a new multistate licensing program. 17  
Through this additional licensing pathway, the Member States 18

seek to provide increased value and mobility to licensed massage 19  
therapists in the Member States, while ensuring the provision of 20  
safe, competent, and reliable services to the public. 21

This Compact is designed to achieve the following 22  
objectives, and the Member States hereby ratify the same 23  
intentions by subscribing hereto: 24

A. Increase public access to Massage Therapy Services by 25  
providing for a multistate licensing pathway; 26

B. Enhance the Member States' ability to protect the 27  
public's health and safety; 28

C. Enhance the Member States' ability to prevent human 29  
trafficking and licensure fraud; 30

D. Encourage the cooperation of Member States in 31  
regulating the multistate Practice of Massage Therapy; 32

E. Support relocating military members and their spouses; 33

F. Facilitate and enhance the exchange of licensure, 34  
investigative, and disciplinary information between the Member 35  
States; 36

G. Create an Interstate Commission that will exist to 37  
implement and administer the Compact; 38

H. Allow a Member State to hold a Licensee accountable, 39  
even where that Licensee holds a Multistate License; 40

I. Create a streamlined pathway for Licensees to practice 41  
in Member States, thus increasing the mobility of duly licensed 42  
massage therapists; and 43

J. Serve the needs of licensed massage therapists and the 44  
public receiving their services; however, 45

K. Nothing in this Compact is intended to prevent a State 46  
from enforcing its own laws regarding the Practice of Massage 47  
Therapy. 48

**ARTICLE 2- DEFINITIONS** 49

As used in this Compact, except as otherwise provided and 50  
subject to clarification by the Rules of the Commission, the 51  
following definitions shall govern the terms herein: 52

A. "Active Duty Military" - any individual in full-time duty 53  
status in the active uniformed service of the United States 54  
including members of the National Guard and Reserve. 55

B. "Adverse Action" - any administrative, civil, equitable, or 56  
criminal action permitted by a Member State's laws which is 57  
imposed by a Licensing Authority or other regulatory body 58  
against a Licensee, including actions against an individual's 59  
Authorization to Practice such as revocation, suspension, 60  
probation, surrender in lieu of discipline, monitoring of the 61  
Licensee, limitation of the Licensee's practice, or any other 62  
Encumbrance on licensure affecting an individual's ability to 63  
practice Massage Therapy, including the issuance of a cease and 64  
desist order. 65

C. "Alternative Program" - a non-disciplinary monitoring or 66  
prosecutorial diversion program approved by a Member State's 67  
Licensing Authority. 68

D. "Authorization to Practice" - a legal authorization by a 69  
Remote State pursuant to a Multistate License permitting the 70  
Practice of Massage Therapy in that Remote State, which shall be 71  
subject to the enforcement jurisdiction of the Licensing 72  
Authority in that Remote State. 73

E. "Background Check" - the submission of an applicant's 74

<u>criminal history record information, as further defined in 28</u>	75
<u>C.F.R. § 20.3(d), as amended from the Federal Bureau of</u>	76
<u>Investigation and the agency responsible for retaining State</u>	77
<u>criminal records in the applicant's Home State.</u>	78
<u>F. "Charter Member States" - Member States who have enacted</u>	79
<u>legislation to adopt this Compact where such legislation</u>	80
<u>predates the effective date of this Compact as defined in</u>	81
<u>Article 12.</u>	82
<u>G. "Commission" - the government agency whose membership</u>	83
<u>consists of all States that have enacted this Compact, which is</u>	84
<u>known as the Interstate Massage Compact Commission, as defined</u>	85
<u>in Article 8, and which shall operate as an instrumentality of</u>	86
<u>the Member States.</u>	87
<u>H. "Continuing Competence" - a requirement, as a condition of</u>	88
<u>license renewal, to provide evidence of participation in, and</u>	89
<u>completion of, educational or professional activities that</u>	90
<u>maintain, improve, or enhance Massage Therapy fitness to</u>	91
<u>practice.</u>	92
<u>I. "Current Significant Investigative Information" -</u>	93
<u>Investigative Information that a Licensing Authority, after an</u>	94
<u>inquiry or investigation that complies with a Member State's due</u>	95
<u>process requirements, has reason to believe is not groundless</u>	96
<u>and, if proved true, would indicate a violation of that State's</u>	97
<u>laws regarding the Practice of Massage Therapy.</u>	98
<u>J. "Data System" - a repository of information about Licensees</u>	99
<u>who hold Multistate Licenses which may include but is not</u>	100
<u>limited to license status, Investigative Information, and</u>	101
<u>Adverse Actions.</u>	102
<u>K. "Disqualifying Event" - any event which shall disqualify an</u>	103

<u>individual from holding a Multistate License under this Compact,</u>	104
<u>which the Commission may by Rule specify.</u>	105
<u>L. "Encumbrance" - a revocation or suspension of, or any</u>	106
<u>limitation or condition on, the full and unrestricted Practice</u>	107
<u>of Massage Therapy by a Licensing Authority.</u>	108
<u>M. "Executive Committee" - a group of delegates elected or</u>	109
<u>appointed to act on behalf of, and within the powers granted to</u>	110
<u>them by, the Commission.</u>	111
<u>N. "Home State" - means the Member State which is a Licensee's</u>	112
<u>primary state of residence where the Licensee holds an active</u>	113
<u>Single-State License.</u>	114
<u>O. "Investigative Information" - information, records, or</u>	115
<u>documents received or generated by a Licensing Authority</u>	116
<u>pursuant to an investigation or other inquiry.</u>	117
<u>P. "Licensing Authority" - a State's regulatory body responsible</u>	118
<u>for issuing Massage Therapy licenses or otherwise overseeing the</u>	119
<u>Practice of Massage Therapy in that State.</u>	120
<u>Q. "Licensee" - an individual who currently holds a license from</u>	121
<u>a Member State to fully practice Massage Therapy, whose license</u>	122
<u>is not a student, provisional, temporary, inactive, or other</u>	123
<u>similar status.</u>	124
<u>R. "Massage Therapy", "Massage Therapy Services", and the</u>	125
<u>"Practice of Massage Therapy" - the care and services provided</u>	126
<u>by a Licensee as set forth in the Member State's statutes and</u>	127
<u>regulations in the State where the services are being provided.</u>	128
<u>S. "Member State" - any State that has adopted this Compact.</u>	129
<u>T. "Multistate License" - a license that consists of</u>	130
<u>Authorizations to Practice Massage Therapy in all Remote States</u>	131

pursuant to this Compact, which shall be subject to the 132  
enforcement jurisdiction of the Licensing Authority in a 133  
Licensee's Home State. 134

U. "National Licensing Examination" - A national examination 135  
developed by a national association of Massage Therapy 136  
regulatory boards, as defined by Commission Rule, that is 137  
derived from a practice analysis and is consistent with 138  
generally accepted psychometric principles of fairness, validity 139  
and reliability, and is administered under secure and 140  
confidential examination protocols. 141

V. "Remote State" - any Member State, other than the Licensee's 142  
Home State. 143

W. "Rule" - any opinion or regulation promulgated by the 144  
Commission under this Compact, which shall have the force of 145  
law. 146

X. "Single-State License" - a current, valid authorization 147  
issued by a Member State's Licensing Authority allowing an 148  
individual to fully practice Massage Therapy, that is not a 149  
restricted, student, provisional, temporary, or inactive 150  
practice authorization and authorizes practice only within the 151  
issuing State. 152

Y. "State" - a state, territory, possession of the United 153  
States, or the District of Columbia. 154

**ARTICLE 3- MEMBER STATE REQUIREMENTS** 155

A. To be eligible to join this Compact, and to maintain 156  
eligibility as a Member State, a State must: 157

1. License and regulate the Practice of Massage Therapy; 158

2. Have a mechanism or entity in place to receive and 159

<u>investigate complaints from the public, regulatory or law</u>	160
<u>enforcement agencies, or the Commission about Licensees</u>	161
<u>practicing in that State;</u>	162
<u>3. Accept passage of a National Licensing Examination as a</u>	163
<u>criterion for Massage Therapy licensure in that State;</u>	164
<u>4. Require that Licensees satisfy educational requirements</u>	165
<u>prior to being licensed to provide Massage Therapy Services to</u>	166
<u>the public in that State;</u>	167
<u>5. Implement procedures for requiring the Background Check</u>	168
<u>of applicants for a Multistate License, and for the reporting of</u>	169
<u>any Disqualifying Events, including but not limited to obtaining</u>	170
<u>and submitting, for each Licensee holding a Multistate License</u>	171
<u>and each applicant for a Multistate License, fingerprint or</u>	172
<u>other biometric-based information to the Federal Bureau of</u>	173
<u>Investigation for Background Checks; receiving the results of</u>	174
<u>the Federal Bureau of Investigation record search on Background</u>	175
<u>Checks and considering the results of such a Background Check in</u>	176
<u>making licensure decisions;</u>	177
<u>6. Have Continuing Competence requirements as a condition</u>	178
<u>for license renewal;</u>	179
<u>7. Participate in the Data System, including through the</u>	180
<u>use of unique identifying numbers as described herein;</u>	181
<u>8. Notify the Commission and other Member States, in</u>	182
<u>compliance with the terms of the Compact and Rules of the</u>	183
<u>Commission, of any disciplinary action taken by the State</u>	184
<u>against a Licensee practicing under a Multistate License in that</u>	185
<u>State, or of the existence of Investigative Information or</u>	186
<u>Current Significant Investigative Information regarding a</u>	187
<u>Licensee practicing in that State pursuant to a Multistate</u>	188

<u>License;</u>	189
<u>9. Comply with the Rules of the Commission;</u>	190
<u>10. Accept Licensees with valid Multistate Licenses from</u> <u>other Member States as established herein;</u>	191 192
<u>B. Individuals not residing in a Member State shall continue to</u> <u>be able to apply for a Member State's Single-State License as</u> <u>provided under the laws of each Member State. However, the</u> <u>Single-State License granted to those individuals shall not be</u> <u>recognized as granting a Multistate License for Massage Therapy</u> <u>in any other Member State;</u>	193 194 195 196 197 198
<u>C. Nothing in this Compact shall affect the requirements</u> <u>established by a Member State for the issuance of a Single-State</u> <u>License; and</u>	199 200 201
<u>D. A Multistate License issued to a Licensee shall be recognized</u> <u>by each Remote State as an Authorization to Practice Massage</u> <u>Therapy in each Remote State.</u>	202 203 204
<b><u>ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS</u></b>	205
<u>A. To qualify for a Multistate License under this Compact, and</u> <u>to maintain eligibility for such a license, an applicant must:</u>	206 207
<u>1. Hold an active Single-State License to practice Massage</u> <u>therapy in the applicant's Home State;</u>	208 209
<u>2. Have completed at least six hundred and twenty-five</u> <u>(625) clock hours of Massage Therapy education or the</u> <u>substantial equivalent which the Commission may approve by Rule.</u>	210 211 212
<u>3. Have passed a National Licensing Examination or the</u> <u>substantial equivalent which the Commission may approve by Rule.</u>	213 214
<u>4. Submit to a Background Check;</u>	215

5. Have not been convicted or found guilty, or have 216  
entered into an agreed disposition, of a felony offense under 217  
applicable State or federal criminal law, within five (5) years 218  
prior to the date of their application, where such a time period 219  
shall not include any time served for the offense, and provided 220  
that the applicant has completed any and all requirements 221  
arising as a result of any such offense; 222

6. Have not been convicted or found guilty, or have 223  
entered into an agreed disposition, of a misdemeanor offense 224  
related to the Practice of Massage Therapy under applicable 225  
State or federal criminal law, within two (2) years prior to the 226  
date of their application where such a time period shall not 227  
include any time served for the offense, and provided that the 228  
applicant has completed any and all requirements arising as a 229  
result of any such offense; 230

7. Have not been convicted or found guilty, or have 231  
entered into an agreed disposition, of any offense, whether a 232  
misdemeanor or a felony, under State or federal law, at any 233  
time, relating to any of the following: 234

a. Kidnapping; 235

b. Human trafficking; 236

c. Human smuggling; 237

d. Sexual battery, sexual assault, or any related 238  
offenses; or 239

e. Any other category of offense which the Commission may 240  
by Rule designate. 241

8. Have not previously held a Massage Therapy license 242  
which was revoked by, or surrendered in lieu of discipline to an 243

<u>applicable Licensing Authority;</u>	244
<u>9. Have no history of any Adverse Action on any</u>	245
<u>occupational or professional license within two (2) years prior</u>	246
<u>to the date of their application; and</u>	247
<u>10. Pay all required fees.</u>	248
<u>B. A Multistate License granted pursuant to this Compact may be</u>	249
<u>effective for a definite period of time concurrent with the</u>	250
<u>renewal of the Home State license.</u>	251
<u>C. A Licensee practicing in a Member State is subject to all</u>	252
<u>scope of practice laws governing Massage Therapy Services in</u>	253
<u>that State.</u>	254
<u>D. The Practice of Massage Therapy under a Multistate License</u>	255
<u>granted pursuant to this Compact will subject the Licensee to</u>	256
<u>the jurisdiction of the Licensing Authority, the courts, and the</u>	257
<u>laws of the Member State in which the Massage Therapy Services</u>	258
<u>are provided.</u>	259
<b><u>ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION</u></b>	260
<b><u>AND MEMBER STATE LICENSING AUTHORITIES</u></b>	261
<u>A. Nothing in this Compact, nor any Rule of the Commission,</u>	262
<u>shall be construed to limit, restrict, or in any way reduce the</u>	263
<u>ability of a Member State to enact and enforce laws,</u>	264
<u>regulations, or other rules related to the Practice of Massage</u>	265
<u>Therapy in that State, where those laws, regulations, or other</u>	266
<u>rules are not inconsistent with the provisions of this Compact.</u>	267
<u>B. Nothing in this Compact, nor any Rule of the Commission,</u>	268
<u>shall be construed to limit, restrict, or in any way reduce the</u>	269
<u>ability of a Member State to take Adverse Action against a</u>	270
<u>Licensee's Single-State License to practice Massage Therapy in</u>	271

<u>that State.</u>	272
<u>C. Nothing in this Compact, nor any Rule of the Commission,</u>	273
<u>shall be construed to limit, restrict, or in any way reduce the</u>	274
<u>ability of a Remote State to take Adverse Action against a</u>	275
<u>Licensee's Authorization to Practice in that State.</u>	276
<u>D. Nothing in this Compact, nor any Rule of the Commission,</u>	277
<u>shall be construed to limit, restrict, or in any way reduce the</u>	278
<u>ability of a Licensee's Home State to take Adverse Action</u>	279
<u>against a Licensee's Multistate License based upon information</u>	280
<u>provided by a Remote State.</u>	281
<u>E. Insofar as practical, a Member State's Licensing Authority</u>	282
<u>shall cooperate with the Commission and with each entity</u>	283
<u>exercising independent regulatory authority over the Practice of</u>	284
<u>Massage Therapy according to the provisions of this Compact.</u>	285
<b><u>ARTICLE 6- ADVERSE ACTIONS</u></b>	286
<u>A. A Licensee's Home State shall have exclusive power to impose</u>	287
<u>an Adverse Action against a Licensee's Multistate License issued</u>	288
<u>by the Home State.</u>	289
<u>B. A Home State may take Adverse Action on a Multistate License</u>	290
<u>based on the Investigative Information, Current Significant</u>	291
<u>Investigative Information, or Adverse Action of a Remote State.</u>	292
<u>C. A Home State shall retain authority to complete any pending</u>	293
<u>investigations of a Licensee practicing under a Multistate</u>	294
<u>License who changes their Home State during the course of such</u>	295
<u>an investigation. The Licensing Authority shall also be</u>	296
<u>empowered to report the results of such an investigation to the</u>	297
<u>Commission through the Data System as described herein.</u>	298
<u>D. Any Member State may investigate actual or alleged violations</u>	299

<u>of the scope of practice laws in any other Member State for a</u>	300
<u>massage therapist who holds a Multistate License.</u>	301
<u>E. A Remote State shall have the authority to:</u>	302
<u>1. Take Adverse Actions against a Licensee's Authorization</u>	303
<u>to Practice;</u>	304
<u>2. Issue cease and desist orders or impose an Encumbrance</u>	305
<u>on a Licensee's Authorization to Practice in that State.</u>	306
<u>3. Issue subpoenas for both hearings and investigations</u>	307
<u>that require the attendance and testimony of witnesses, as well</u>	308
<u>as the production of evidence. Subpoenas issued by a Licensing</u>	309
<u>Authority in a Member State for the attendance and testimony of</u>	310
<u>witnesses or the production of evidence from another Member</u>	311
<u>State shall be enforced in the latter State by any court of</u>	312
<u>competent jurisdiction, according to the practice and procedure</u>	313
<u>of that court applicable to subpoenas issued in proceedings</u>	314
<u>before it. The issuing Licensing Authority shall pay any witness</u>	315
<u>fees, travel expenses, mileage, and other fees required by the</u>	316
<u>service statutes of the State in which the witnesses or evidence</u>	317
<u>are located.</u>	318
<u>4. If otherwise permitted by State law, recover from the</u>	319
<u>affected Licensee the costs of investigations and disposition of</u>	320
<u>cases resulting from any Adverse Action taken against that</u>	321
<u>Licensee.</u>	322
<u>5. Take Adverse Action against the Licensee's</u>	323
<u>Authorization to Practice in that State based on the factual</u>	324
<u>findings of another Member State.</u>	325
<u>F. If an Adverse Action is taken by the Home State against a</u>	326
<u>Licensee's Multistate License or Single-State License to</u>	327
<u>practice in the Home State, the Licensee's Authorization to</u>	328

Practice in all other Member States shall be deactivated until 329  
all Encumbrances have been removed from such license. All Home 330  
State disciplinary orders that impose an Adverse Action against 331  
a Licensee shall include a statement that the Massage 332  
Therapist's Authorization to Practice is deactivated in all 333  
Member States during the pendency of the order. 334

G. If Adverse Action is taken by a Remote State against a 335  
Licensee's Authorization to Practice, that Adverse Action 336  
applies to all Authorizations to Practice in all Remote States. 337  
A Licensee whose Authorization to Practice in a Remote State is 338  
removed for a specified period of time is not eligible to apply 339  
for a new Multistate License in any other State until the 340  
specific time for removal of the Authorization to Practice has 341  
passed and all encumbrance requirements are satisfied. 342

H. Nothing in this Compact shall override a Member State's 343  
authority to accept a Licensee's participation in an Alternative 344  
Program in lieu of Adverse Action. A Licensee's Multistate 345  
License shall be suspended for the duration of the Licensee's 346  
participation in any Alternative Program. 347

I. Joint Investigations 348

1. In addition to the authority granted to a Member State 349  
by its respective scope of practice laws or other applicable 350  
State law, a Member State may participate with other Member 351  
States in joint investigations of Licensees. 352

2. Member States shall share any investigative, 353  
litigation, or compliance materials in furtherance of any joint 354  
or individual investigation initiated under the Compact. 355

**ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES** 356

Active Duty Military personnel, or their spouses, shall 357

designate a Home State where the individual has a current 358  
license to practice Massage Therapy in good standing. The 359  
individual may retain their Home State designation during any 360  
period of service when that individual or their spouse is on 361  
active duty assignment. 362

**ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE** 363

**COMPACT COMMISSION** 364

A. The Compact Member States hereby create and establish a joint 365  
government agency whose membership consists of all Member States 366  
that have enacted the Compact known as the Interstate Massage 367  
Compact Commission. The Commission is an instrumentality of the 368  
Compact States acting jointly and not an instrumentality of any 369  
one State. The Commission shall come into existence on or after 370  
the effective date of the Compact as set forth in Article 12. 371

B. Membership, Voting, and Meetings 372

1. Each Member State shall have and be limited to one (1) 373  
delegate selected by that Member State's State Licensing 374  
Authority. 375

2. The delegate shall be the primary administrative 376  
officer of the State Licensing Authority or their designee. 377

3. The Commission shall by Rule or bylaw establish a term 378  
of office for delegates and may by Rule or bylaw establish term 379  
limits. 380

4. The Commission may recommend removal or suspension of 381  
any delegate from office. 382

5. A Member State's State Licensing Authority shall fill 383  
any vacancy of its delegate occurring on the Commission within 384  
60 days of the vacancy. 385

<u>6. Each delegate shall be entitled to one vote on all</u>	386
<u>matters that are voted on by the Commission.</u>	387
<u>7. The Commission shall meet at least once during each</u>	388
<u>calendar year. Additional meetings may be held as set forth in</u>	389
<u>the bylaws. The Commission may meet by telecommunication, video</u>	390
<u>conference or other similar electronic means.</u>	391
<u>C. The Commission shall have the following powers:</u>	392
<u>1. Establish the fiscal year of the Commission;</u>	393
<u>2. Establish code of conduct and conflict of interest</u>	394
<u>policies;</u>	395
<u>3. Adopt Rules and bylaws;</u>	396
<u>4. Maintain its financial records in accordance with the</u>	397
<u>bylaws;</u>	398
<u>5. Meet and take such actions as are consistent with the</u>	399
<u>provisions of this Compact, the Commission's Rules, and the</u>	400
<u>bylaws;</u>	401
<u>6. Initiate and conclude legal proceedings or actions in</u>	402
<u>the name of the Commission, provided that the standing of any</u>	403
<u>State Licensing Authority to sue or be sued under applicable law</u>	404
<u>shall not be affected;</u>	405
<u>7. Maintain and certify records and information provided</u>	406
<u>to a Member State as the authenticated business records of the</u>	407
<u>Commission, and designate an agent to do so on the Commission's</u>	408
<u>behalf;</u>	409
<u>8. Purchase and maintain insurance and bonds;</u>	410
<u>9. Borrow, accept, or contract for services of personnel,</u>	411
<u>including, but not limited to, employees of a Member State;</u>	412

<u>10. Conduct an annual financial review;</u>	413
<u>11. Hire employees, elect or appoint officers, fix</u>	414
<u>compensation, define duties, grant such individuals appropriate</u>	415
<u>authority to carry out the purposes of the Compact, and</u>	416
<u>establish the Commission's personnel policies and programs</u>	417
<u>relating to conflicts of interest, qualifications of personnel,</u>	418
<u>and other related personnel matters;</u>	419
<u>12. Assess and collect fees;</u>	420
<u>13. Accept any and all appropriate gifts, donations,</u>	421
<u>grants of money, other sources of revenue, equipment, supplies,</u>	422
<u>materials, and services, and receive, utilize, and dispose of</u>	423
<u>the same; provided that at all times the Commission shall avoid</u>	424
<u>any appearance of impropriety or conflict of interest;</u>	425
<u>14. Lease, purchase, retain, own, hold, improve, or use</u>	426
<u>any property, real, personal, or mixed, or any undivided</u>	427
<u>interest therein;</u>	428
<u>15. Sell, convey, mortgage, pledge, lease, exchange,</u>	429
<u>abandon, or otherwise dispose of any property real, personal, or</u>	430
<u>mixed;</u>	431
<u>16. Establish a budget and make expenditures;</u>	432
<u>17. Borrow money;</u>	433
<u>18. Appoint committees, including standing committees,</u>	434
<u>composed of members, State regulators, State legislators or</u>	435
<u>their representatives, and consumer representatives, and such</u>	436
<u>other interested persons as may be designated in this Compact</u>	437
<u>and the bylaws;</u>	438
<u>19. Accept and transmit complaints from the public,</u>	439
<u>regulatory or law enforcement agencies, or the Commission, to</u>	440

<u>the relevant Member State(s) regarding potential misconduct of</u>	441
<u>Licensees;</u>	442
<u>20. Elect a Chair, Vice Chair, Secretary and Treasurer and</u>	443
<u>such other officers of the Commission as provided in the</u>	444
<u>Commission's bylaws;</u>	445
<u>21. Establish and elect an Executive Committee, including</u>	446
<u>a chair and a vice chair;</u>	447
<u>22. Adopt and provide to the Member States an annual</u>	448
<u>report.</u>	449
<u>23. Determine whether a State's adopted language is</u>	450
<u>materially different from the model Compact language such that</u>	451
<u>the State would not qualify for participation in the Compact;</u>	452
<u>and</u>	453
<u>24. Perform such other functions as may be necessary or</u>	454
<u>appropriate to achieve the purposes of this Compact.</u>	455
<u>D. The Executive Committee</u>	456
<u>1. The Executive Committee shall have the power to act on</u>	457
<u>behalf of the Commission according to the terms of this Compact.</u>	458
<u>The powers, duties, and responsibilities of the Executive</u>	459
<u>Committee shall include:</u>	460
<u>a. Overseeing the day-to-day activities of the</u>	461
<u>administration of the Compact including compliance with the</u>	462
<u>provisions of the Compact, the Commission's Rules and bylaws,</u>	463
<u>and other such duties as deemed necessary;</u>	464
<u>b. Recommending to the Commission changes to the Rules or</u>	465
<u>bylaws, changes to this Compact legislation, fees charged to</u>	466
<u>Compact Member States, fees charged to Licensees, and other</u>	467
<u>fees;</u>	468

<u>c. Ensuring Compact administration services are</u>	469
<u>appropriately provided, including by contract;</u>	470
<u>d. Preparing and recommending the budget;</u>	471
<u>e. Maintaining financial records on behalf of the</u>	472
<u>Commission;</u>	473
<u>f. Monitoring Compact compliance of Member States and</u>	474
<u>providing compliance reports to the Commission;</u>	475
<u>g. Establishing additional committees as necessary;</u>	476
<u>h. Exercise the powers and duties of the Commission during</u>	477
<u>the interim between Commission meetings, except for adopting or</u>	478
<u>amending Rules, adopting or amending bylaws, and exercising any</u>	479
<u>other powers and duties expressly reserved to the Commission by</u>	480
<u>Rule or bylaw; and</u>	481
<u>i. Other duties as provided in the Rules or bylaws of the</u>	482
<u>Commission.</u>	483
<u>2. The Executive Committee shall be composed of seven</u>	484
<u>voting members and up to two ex-officio members as follows:</u>	485
<u>a. The chair and vice chair of the Commission and any</u>	486
<u>other members of the Commission who serve on the Executive</u>	487
<u>Committee shall be voting members of the Executive Committee;</u>	488
<u>and</u>	489
<u>b. Other than the chair, vice-chair, secretary and</u>	490
<u>treasurer, the Commission shall elect three voting members from</u>	491
<u>the current membership of the Commission.</u>	492
<u>c. The Commission may elect ex-officio, nonvoting members</u>	493
<u>as necessary as follows:</u>	494
<u>i. One ex-officio member who is a representative of the</u>	495

<u>national association of State Massage Therapy regulatory boards</u>	496
<u>ii. One ex-officio member as specified in the Commission's</u>	497
<u>bylaws.</u>	498
<u>3. The Commission may remove any member of the Executive</u>	499
<u>Committee as provided in the Commission's bylaws.</u>	500
<u>4. The Executive Committee shall meet at least annually.</u>	501
<u>a. Executive Committee meetings shall be open to the</u>	502
<u>public, except that the Executive Committee may meet in a</u>	503
<u>closed, non-public session of a public meeting when dealing with</u>	504
<u>any of the matters covered under subsection F.4.</u>	505
<u>b. The Executive Committee shall give five business days</u>	506
<u>advance notice of its public meetings, posted on its website and</u>	507
<u>as determined to provide notice to persons with an interest in</u>	508
<u>the public matters the Executive Committee intends to address at</u>	509
<u>those meetings.</u>	510
<u>5. The Executive Committee may hold an emergency meeting</u>	511
<u>when acting for the Commission to:</u>	512
<u>a. Meet an imminent threat to public health, safety, or</u>	513
<u>welfare;</u>	514
<u>b. Prevent a loss of Commission or Participating State</u>	515
<u>funds; or</u>	516
<u>c. Protect public health and safety.</u>	517
<u>E. The Commission shall adopt and provide to the Member States</u>	518
<u>an annual report.</u>	519
<u>F. Meetings of the Commission</u>	520
<u>1. All meetings of the Commission that are not closed</u>	521
<u>pursuant to this subsection shall be open to the public. Notice</u>	522

<u>of public meetings shall be posted on the Commission's website</u>	523
<u>at least thirty (30) days prior to the public meeting.</u>	524
<u>2. Notwithstanding subsection F.1 of this Article, the</u>	525
<u>Commission may convene an emergency public meeting by providing</u>	526
<u>at least twenty-four (24) hours prior notice on the Commission's</u>	527
<u>website, and any other means as provided in the Commission's</u>	528
<u>Rules, for any of the reasons it may dispense with notice of</u>	529
<u>proposed rulemaking under Article 10.L. The Commission's legal</u>	530
<u>counsel shall certify the that one of the reasons justifying an</u>	531
<u>emergency public meeting has been met.</u>	532
<u>3. Notice of all Commission meetings shall provide the</u>	533
<u>time, date, and location of the meeting, and if the meeting is</u>	534
<u>to be held or accessible via telecommunication, video</u>	535
<u>conference, or other electronic means, the notice shall include</u>	536
<u>the mechanism for access to the meeting.</u>	537
<u>4. The Commission may convene in a closed, non-public</u>	538
<u>meeting for the Commission to discuss:</u>	539
<u>a. Non-compliance of a Member State with its obligations</u>	540
<u>under the Compact;</u>	541
<u>b. The employment, compensation, discipline or other</u>	542
<u>matters, practices or procedures related to specific employees</u>	543
<u>or other matters related to the Commission's internal personnel</u>	544
<u>practices and procedures;</u>	545
<u>c. Current or threatened discipline of a Licensee by the</u>	546
<u>Commission or by a Member State's Licensing Authority;</u>	547
<u>d. Current, threatened, or reasonably anticipated</u>	548
<u>litigation;</u>	549
<u>e. Negotiation of contracts for the purchase, lease, or</u>	550

<u>sale of goods, services, or real estate;</u>	551
<u>f. Accusing any person of a crime or formally censuring any person;</u>	552
	553
<u>g. Trade secrets or commercial or financial information that is privileged or confidential;</u>	554
	555
<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	556
	557
<u>i. Investigative records compiled for law enforcement purposes;</u>	558
	559
<u>j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;</u>	560
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<u>k. Legal advice;</u>	564
<u>l. Matters specifically exempted from disclosure to the public by federal or Member State law; or</u>	565
	566
<u>m. Other matters as promulgated by the Commission by Rule.</u>	567
5. <u>If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.</u>	568
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6. <u>The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents</u>	572
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of a closed meeting shall remain under seal, subject to release 578  
only by a majority vote of the Commission or order of a court of 579  
competent jurisdiction. 580

G. Financing of the Commission 581

1. The Commission shall pay, or provide for the payment 582  
of, the reasonable expenses of its establishment, organization, 583  
and ongoing activities. 584

2. The Commission may accept any and all appropriate 585  
sources of revenue, donations, and grants of money, equipment, 586  
supplies, materials, and services. 587

3. The Commission may levy on and collect an annual 588  
assessment from each Member State and impose fees on Licensees 589  
of Member States to whom it grants a Multistate License to cover 590  
the cost of the operations and activities of the Commission and 591  
its staff, which must be in a total amount sufficient to cover 592  
its annual budget as approved each year for which revenue is not 593  
provided by other sources. The aggregate annual assessment 594  
amount for Member states shall be allocated based upon a formula 595  
that the Commission shall promulgate by Rule. 596

4. The Commission shall not incur obligations of any kind 597  
prior to securing the funds adequate to meet the same; nor shall 598  
the Commission pledge the credit of any Member States, except by 599  
and with the authority of the Member State. 600

5. The Commission shall keep accurate accounts of all 601  
receipts and disbursements. The receipts and disbursements of 602  
the Commission shall be subject to the financial review and 603  
accounting procedures established under its bylaws. All receipts 604  
and disbursements of funds handled by the Commission shall be 605  
subject to an annual financial review by a certified or licensed 606

public accountant, and the report of the financial review shall 607  
be included in and become part of the annual report of the 608  
Commission. 609

H. Qualified Immunity, Defense, and Indemnification 610

1. The members, officers, executive director, employees 611  
and representatives of the Commission shall be immune from suit 612  
and liability, both personally and in their official capacity, 613  
for any claim for damage to or loss of property or personal 614  
injury or other civil liability caused by or arising out of any 615  
actual or alleged act, error, or omission that occurred, or that 616  
the person against whom the claim is made had a reasonable basis 617  
for believing occurred within the scope of Commission 618  
employment, duties or responsibilities; provided that nothing in 619  
this paragraph shall be construed to protect any such person 620  
from suit or liability for any damage, loss, injury, or 621  
liability caused by the intentional or willful or wanton 622  
misconduct of that person. The procurement of insurance of any 623  
type by the Commission shall not in any way compromise or limit 624  
the immunity granted hereunder. 625

2. The Commission shall defend any member, officer, 626  
executive director, employee, and representative of the 627  
Commission in any civil action seeking to impose liability 628  
arising out of any actual or alleged act, error, or omission 629  
that occurred within the scope of Commission employment, duties, 630  
or responsibilities, or as determined by the Commission that the 631  
person against whom the claim is made had a reasonable basis for 632  
believing occurred within the scope of Commission employment, 633  
duties, or responsibilities; provided that nothing herein shall 634  
be construed to prohibit that person from retaining their own 635  
counsel at their own expense; and provided further, that the 636

actual or alleged act, error, or omission did not result from 637  
that person's intentional or willful or wanton misconduct. 638

3. The Commission shall indemnify and hold harmless any 639  
member, officer, executive director, employee, and 640  
representative of the Commission for the amount of any 641  
settlement or judgment obtained against that person arising out 642  
of any actual or alleged act, error, or omission that occurred 643  
within the scope of Commission employment, duties, or 644  
responsibilities, or that such person had a reasonable basis for 645  
believing occurred within the scope of Commission employment, 646  
duties, or responsibilities, provided that the actual or alleged 647  
act, error, or omission did not result from the intentional or 648  
willful or wanton misconduct of that person. 649

4. Nothing herein shall be construed as a limitation on 650  
the liability of any Licensee for professional malpractice or 651  
misconduct, which shall be governed solely by any other 652  
applicable State laws. 653

5. Nothing in this Compact shall be interpreted to waive 654  
or otherwise abrogate a Member State's State action immunity or 655  
State action affirmative defense with respect to antitrust 656  
claims under the Sherman Act, Clayton Act, or any other State or 657  
federal antitrust or anticompetitive law or regulation. 658

6. Nothing in this Compact shall be construed to be a 659  
waiver of sovereign immunity by the Member States or by the 660  
Commission. 661

**ARTICLE 9- DATA SYSTEM** 662

A. The Commission shall provide for the development, 663  
maintenance, operation, and utilization of a coordinated 664  
database and reporting system. 665

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission. 666  
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C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including: 669  
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1. Identifying information; 674

2. Licensure data; 675

3. Adverse Actions against a license and information related thereto; 676  
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4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation; 678  
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5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law); 682  
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6. The existence of Investigative Information; 685

7. The existence presence of Current Significant Investigative Information; and 686  
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8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission. 688  
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D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when 691  
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certified by the Commission or an agent thereof, shall 693  
constitute the authenticated business records of the Commission, 694  
and shall be entitled to any associated hearsay exception in any 695  
relevant judicial, quasi-judicial or administrative proceedings 696  
in a Member State. 697

E. The existence of Current Significant Investigative 698  
Information and the existence of Investigative Information 699  
pertaining to a Licensee in any Member State will only be 700  
available to other Member States. 701

F. It is the responsibility of the Member States to report any 702  
Adverse Action against a Licensee who holds a Multistate License 703  
and to monitor the database to determine whether Adverse Action 704  
has been taken against such a Licensee or License applicant. 705  
Adverse Action information pertaining to a Licensee or License 706  
applicant in any Member State will be available to any other 707  
Member State. 708

G. Member States contributing information to the Data System may 709  
designate information that may not be shared with the public 710  
without the express permission of the contributing State. 711

H. Any information submitted to the Data System that is 712  
subsequently expunged pursuant to federal law or the laws of the 713  
Member State contributing the information shall be removed from 714  
the Data System. 715

**ARTICLE 10- RULEMAKING** 716

A. The Commission shall promulgate reasonable Rules in order to 717  
effectively and efficiently implement and administer the 718  
purposes and provisions of the Compact. A Rule shall be invalid 719  
and have no force or effect only if a court of competent 720  
jurisdiction holds that the Rule is invalid because the 721

Commission exercised its rulemaking authority in a manner that 722  
is beyond the scope and purposes of the Compact, or the powers 723  
granted hereunder, or based upon another applicable standard of 724  
review. 725

B. The Rules of the Commission shall have the force of law in 726  
each Member State, provided however that where the Rules of the 727  
Commission conflict with the laws of the Member State that 728  
establish the Member State's scope of practice as held by a 729  
court of competent jurisdiction, the Rules of the Commission 730  
shall be ineffective in that State to the extent of the 731  
conflict. 732

C. The Commission shall exercise its Rulemaking powers pursuant 733  
to the criteria set forth in this article and the Rules adopted 734  
thereunder. Rules shall become binding as of the date specified 735  
by the Commission for each Rule. 736

D. If a majority of the legislatures of the Member States 737  
rejects a Rule or portion of a Rule, by enactment of a statute 738  
or resolution in the same manner used to adopt the Compact 739  
within four (4) years of the date of adoption of the Rule, then 740  
such Rule shall have no further force and effect in any Member 741  
State or to any State applying to participate in the Compact. 742

E. Rules shall be adopted at a regular or special meeting of the 743  
Commission. 744

F. Prior to adoption of a proposed Rule, the Commission shall 745  
hold a public hearing and allow persons to provide oral and 746  
written comments, data, facts, opinions, and arguments. 747

G. Prior to adoption of a proposed Rule by the Commission, and 748  
at least thirty (30) days in advance of the meeting at which the 749  
Commission will hold a public hearing on the proposed Rule, the 750

<u>Commission shall provide a Notice of Proposed Rulemaking:</u>	751
<u>1. On the website of the Commission or other publicly accessible platform;</u>	752 753
<u>2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and</u>	754 755
<u>3. In such other way(s) as the Commission may by Rule specify.</u>	756 757
<u>H. The Notice of Proposed Rulemaking shall include:</u>	758
<u>1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;</u>	759 760 761 762 763
<u>2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;</u>	764 765 766 767
<u>3. The text of the proposed Rule and the reason therefor;</u>	768
<u>4. A request for comments on the proposed Rule from any interested person; and</u>	769 770
<u>5. The manner in which interested persons may submit written comments.</u>	771 772
<u>I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.</u>	773 774 775
<u>J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the</u>	776 777

convenience of the Commission at hearings required by this 778  
article. 779

K. The Commission shall, by majority vote of all Commissioners, 780  
take final action on the proposed Rule based on the Rulemaking 781  
record. 782

1. The Commission may adopt changes to the proposed Rule 783  
provided the changes do not enlarge the original purpose of the 784  
proposed Rule. 785

2. The Commission shall provide an explanation of the 786  
reasons for substantive changes made to the proposed Rule as 787  
well as reasons for substantive changes not made that were 788  
recommended by commenters. 789

3. The Commission shall determine a reasonable effective 790  
date for the Rule. Except for an emergency as provided in 791  
subsection L, the effective date of the Rule shall be no sooner 792  
than thirty (30) days after the Commission issuing the notice 793  
that it adopted or amended the Rule. 794

L. Upon determination that an emergency exists, the Commission 795  
may consider and adopt an emergency Rule with 24 hours notice, 796  
provided that the usual Rulemaking procedures provided in the 797  
Compact and in this article shall be retroactively applied to 798  
the Rule as soon as reasonably possible, in no event later than 799  
ninety (90) days after the effective date of the Rule. For the 800  
purposes of this provision, an emergency Rule is one that must 801  
be adopted immediately to: 802

1. Meet an imminent threat to public health, safety, or 803  
welfare; 804

2. Prevent a loss of Commission or Member State funds; 805

3. Meet a deadline for the promulgation of a Rule that is 806  
established by federal law or rule; or 807

4. Protect public health and safety. 808

M. The Commission or an authorized committee of the Commission 809  
may direct revisions to a previously adopted Rule for purposes 810  
of correcting typographical errors, errors in format, errors in 811  
consistency, or grammatical errors. Public notice of any 812  
revisions shall be posted on the website of the Commission. The 813  
revision shall be subject to challenge by any person for a 814  
period of thirty (30) days after posting. The revision may be 815  
challenged only on grounds that the revision results in a 816  
material change to a Rule. A challenge shall be made in writing 817  
and delivered to the Commission prior to the end of the notice 818  
period. If no challenge is made, the revision will take effect 819  
without further action. If the revision is challenged, the 820  
revision may not take effect without the approval of the 821  
Commission. 822

N. No Member State's rulemaking requirements shall apply under 823  
this Compact. 824

**ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT** 825

**A. Oversight** 826

1. The executive and judicial branches of State government 827  
in each Member State shall enforce this Compact and take all 828  
actions necessary and appropriate to implement the Compact. 829

2. Venue is proper and judicial proceedings by or against 830  
the Commission shall be brought solely and exclusively in a 831  
court of competent jurisdiction where the principal office of 832  
the Commission is located. The Commission may waive venue and 833  
jurisdictional defenses to the extent it adopts or consents to 834

participate in alternative dispute resolution proceedings. 835  
Nothing herein shall affect or limit the selection or propriety 836  
of venue in any action against a Licensee for professional 837  
malpractice, misconduct or any such similar matter. 838

3. The Commission shall be entitled to receive service of 839  
process in any proceeding regarding the enforcement or 840  
interpretation of the Compact and shall have standing to 841  
intervene in such a proceeding for all purposes. Failure to 842  
provide the Commission service of process shall render a 843  
judgment or order void as to the Commission, this Compact, or 844  
promulgated Rules. 845

B. Default, Technical Assistance, and Termination 846

1. If the Commission determines that a Member State has 847  
defaulted in the performance of its obligations or 848  
responsibilities under this Compact or the promulgated Rules, 849  
the Commission shall provide written notice to the defaulting 850  
State. The notice of default shall describe the default, the 851  
proposed means of curing the default, and any other action that 852  
the Commission may take, and shall offer training and specific 853  
technical assistance regarding the default. 854

2. The Commission shall provide a copy of the notice of 855  
default to the other Member States. 856

C. If a State in default fails to cure the default, the 857  
defaulting State may be terminated from the Compact upon an 858  
affirmative vote of a majority of the delegates of the Member 859  
States, and all rights, privileges and benefits conferred on 860  
that State by this Compact may be terminated on the effective 861  
date of termination. A cure of the default does not relieve the 862  
offending State of obligations or liabilities incurred during 863

the period of default. 864

D. Termination of membership in the Compact shall be imposed 865  
only after all other means of securing compliance have been 866  
exhausted. Notice of intent to suspend or terminate shall be 867  
given by the Commission to the governor, the majority and 868  
minority leaders of the defaulting State's legislature, the 869  
defaulting State's State Licensing Authority and each of the 870  
Member States' State Licensing Authority. 871

E. A State that has been terminated is responsible for all 872  
assessments, obligations, and liabilities incurred through the 873  
effective date of termination, including obligations that extend 874  
beyond the effective date of termination. 875

F. Upon the termination of a State's membership from this 876  
Compact, that State shall immediately provide notice to all 877  
Licensees who hold a Multistate License within that State of 878  
such termination. The terminated State shall continue to 879  
recognize all licenses granted pursuant to this Compact for a 880  
minimum of one hundred eighty (180) days after the date of said 881  
notice of termination. 882

G. The Commission shall not bear any costs related to a State 883  
that is found to be in default or that has been terminated from 884  
the Compact, unless agreed upon in writing between the 885  
Commission and the defaulting State. 886

H. The defaulting State may appeal the action of the Commission 887  
by petitioning the U.S. District Court for the District of 888  
Columbia or the federal district where the Commission has its 889  
principal offices. The prevailing party shall be awarded all 890  
costs of such litigation, including reasonable attorney's fees. 891

I. Dispute Resolution 892

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States. 893  
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2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 896  
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J. Enforcement 899

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules. 900  
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2. By majority vote as provided by Commission Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law. 903  
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3. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event 916  
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judicial enforcement is necessary, the prevailing party shall be 922  
awarded all costs of such litigation, including reasonable 923  
attorney's fees. 924

4. No individual or entity other than a Member State may 925  
enforce this Compact against the Commission. 926

**ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT** 927

A. The Compact shall come into effect on the date on which the 928  
Compact statute is enacted into law in the seventh Member State. 929

1. On or after the effective date of the Compact, the 930  
Commission shall convene and review the enactment of each of the 931  
Charter Member States to determine if the statute enacted by 932  
each such Charter Member State is materially different than the 933  
model Compact statute. 934

a. A Charter Member State whose enactment is found to be 935  
materially different from the model Compact statute shall be 936  
entitled to the default process set forth in Article 11. 937

b. If any Member State is later found to be in default, or 938  
is terminated or withdraws from the Compact, the Commission 939  
shall remain in existence and the Compact shall remain in effect 940  
even if the number of Member States should be less than seven 941  
(7). 942

2. Member States enacting the Compact subsequent to the 943  
Charter Member States shall be subject to the process set forth 944  
in Article 8.C.23 to determine if their enactments are 945  
materially different from the model Compact statute and whether 946  
they qualify for participation in the Compact. 947

3. All actions taken for the benefit of the Commission or 948  
in furtherance of the purposes of the administration of the 949

Compact prior to the effective date of the Compact or the 950  
Commission coming into existence shall be considered to be 951  
actions of the Commission unless specifically repudiated by the 952  
Commission. 953

4. Any State that joins the Compact shall be subject to 954  
the Commission's Rules and bylaws as they exist on the date on 955  
which the Compact becomes law in that State. Any Rule that has 956  
been previously adopted by the Commission shall have the full 957  
force and effect of law on the day the Compact becomes law in 958  
that State. 959

B. Any Member State may withdraw from this Compact by enacting a 960  
statute repealing that State's enactment of the Compact. 961

1. A Member State's withdrawal shall not take effect until 962  
one hundred eighty (180) days after enactment of the repealing 963  
statute. 964

2. Withdrawal shall not affect the continuing requirement 965  
of the withdrawing State's Licensing Authority to comply with 966  
the investigative and Adverse Action reporting requirements of 967  
this Compact prior to the effective date of withdrawal. 968

3. Upon the enactment of a statute withdrawing from this 969  
Compact, a State shall immediately provide notice of such 970  
withdrawal to all Licensees within that State. Notwithstanding 971  
any subsequent statutory enactment to the contrary, such 972  
withdrawing State shall continue to recognize all licenses 973  
granted pursuant to this Compact for a minimum of 180 days after 974  
the date of such notice of withdrawal. 975

C. Nothing contained in this Compact shall be construed to 976  
invalidate or prevent any licensure agreement or other 977  
cooperative arrangement between a Member State and a non-Member 978

<u>State that does not conflict with the provisions of this</u>	979
<u>Compact.</u>	980
<u>D. This Compact may be amended by the Member States. No</u>	981
<u>amendment to this Compact shall become effective and binding</u>	982
<u>upon any Member State until it is enacted into the laws of all</u>	983
<u>Member States.</u>	984
<b><u>ARTICLE 13. CONSTRUCTION AND SEVERABILITY</u></b>	985
<u>A. This Compact and the Commission's rulemaking authority shall</u>	986
<u>be liberally construed so as to effectuate the purposes, and the</u>	987
<u>implementation and administration of the Compact. Provisions of</u>	988
<u>the Compact expressly authorizing or requiring the promulgation</u>	989
<u>of Rules shall not be construed to limit the Commission's</u>	990
<u>rulemaking authority solely for those purposes.</u>	991
<u>B. The provisions of this Compact shall be severable and if any</u>	992
<u>phrase, clause, sentence or provision of this Compact is held by</u>	993
<u>a court of competent jurisdiction to be contrary to the</u>	994
<u>constitution of any Member State, a State seeking participation</u>	995
<u>in the Compact, or of the United States, or the applicability</u>	996
<u>thereof to any government, agency, person or circumstance is</u>	997
<u>held to be unconstitutional by a court of competent</u>	998
<u>jurisdiction, the validity of the remainder of this Compact and</u>	999
<u>the applicability thereof to any other government, agency,</u>	1000
<u>person or circumstance shall not be affected thereby.</u>	1001
<u>C. Notwithstanding subsection B of this article, the Commission</u>	1002
<u>may deny a State's participation in the Compact or, in</u>	1003
<u>accordance with the requirements of Article 11.B, terminate a</u>	1004
<u>Member State's participation in the Compact, if it determines</u>	1005
<u>that a constitutional requirement of a Member State is a</u>	1006
<u>material departure from the Compact. Otherwise, if this Compact</u>	1007

shall be held to be contrary to the constitution of any Member 1008  
State, the Compact shall remain in full force and effect as to 1009  
the remaining Member States and in full force and effect as to 1010  
the Member State affected as to all severable matters. 1011

**ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS** 1012

Nothing herein shall prevent or inhibit the enforcement of 1013  
any other law of a Member State that is not inconsistent with 1014  
the Compact. 1015

Any laws, statutes, regulations, or other legal 1016  
requirements in a Member State in conflict with the Compact are 1017  
superseded to the extent of the conflict. 1018

All permissible agreements between the Commission and the 1019  
Member States are binding in accordance with their terms. 1020

**Sec. 4731.157.** Not later than sixty days after the 1021  
"Interstate Massage Compact (IMpact)" is entered into under 1022  
section 4731.156 of the Revised Code, the state medical board, 1023  
in accordance with Article 8 of the compact, shall select one 1024  
individual to serve as a delegate to the interstate massage 1025  
compact commission created under the compact. The board shall 1026  
fill a vacancy in this position not later than sixty days after 1027  
the vacancy occurs. 1028