

**As Reported by the Senate Health Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 56**

**Senator Roegner**

**Cosponsors: Senators Hackett, Johnson, Huffman, S.**

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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 Military Member" - any person with full-time duty 53  
status in the armed forces of the United States, including 54  
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

<u>E. "Background Check" - the submission of an applicant's</u>	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 individual from holding a Multistate License under this Compact, which the Commission may by Rule specify.</u>	103 104 105
<u>L. "Encumbrance" - a revocation or suspension of, or any limitation or condition on, the full and unrestricted Practice of Massage Therapy by a Licensing Authority.</u>	106 107 108
<u>M. "Executive Committee" - a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.</u>	109 110 111
<u>N. "Home State" - means the Member State which is a Licensee's primary state of residence where the Licensee holds an active Single-State License.</u>	112 113 114
<u>O. "Investigative Information" - information, records, or documents received or generated by a Licensing Authority pursuant to an investigation or other inquiry.</u>	115 116 117
<u>P. "Licensing Authority" - a State's regulatory body responsible for issuing Massage Therapy licenses or otherwise overseeing the Practice of Massage Therapy in that State.</u>	118 119 120
<u>Q. "Licensee" - an individual who currently holds a license from a Member State to fully practice Massage Therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.</u>	121 122 123 124
<u>R. "Massage Therapy", "Massage Therapy Services", and the "Practice of Massage Therapy" - the care and services provided by a Licensee as set forth in the Member State's statutes and regulations in the State where the services are being provided.</u>	125 126 127 128
<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
<u>pursuant to this Compact, which shall be subject to the</u>	132
<u>enforcement jurisdiction of the Licensing Authority in a</u>	133
<u>Licensee's Home State.</u>	134
<u>U. "National Licensing Examination" - A national examination</u>	135
<u>developed by a national association of Massage Therapy</u>	136
<u>regulatory boards, as defined by Commission Rule, that is</u>	137
<u>derived from a practice analysis and is consistent with</u>	138
<u>generally accepted psychometric principles of fairness, validity</u>	139
<u>and reliability, and is administered under secure and</u>	140
<u>confidential examination protocols.</u>	141
<u>V. "Remote State" - any Member State, other than the Licensee's</u>	142
<u>Home State.</u>	143
<u>W. "Rule" - any opinion or regulation promulgated by the</u>	144
<u>Commission under this Compact, which shall have the force of</u>	145
<u>law.</u>	146
<u>X. "Single-State License" - a current, valid authorization</u>	147
<u>issued by a Member State's Licensing Authority allowing an</u>	148
<u>individual to fully practice Massage Therapy, that is not a</u>	149
<u>restricted, student, provisional, temporary, or inactive</u>	150
<u>practice authorization and authorizes practice only within the</u>	151
<u>issuing State.</u>	152
<u>Y. "State" - a state, territory, possession of the United</u>	153
<u>States, or the District of Columbia.</u>	154
<b><u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u></b>	155
<u>A. To be eligible to join this Compact, and to maintain</u>	156
<u>eligibility as a Member State, a State must:</u>	157
<u>1. License and regulate the Practice of Massage Therapy;</u>	158

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



<u>4. Submit to a Background Check;</u>	215
<u>5. Have not been convicted or found guilty, or have entered into an agreed disposition, of a felony offense under applicable State or federal criminal law, within five (5) years prior to the date of their application, where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;</u>	216 217 218 219 220 221 222
<u>6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the Practice of Massage Therapy under applicable State or federal criminal law, within two (2) years prior to the date of their application where such a time period shall not include any time served for the offense, and provided that the applicant has completed any and all requirements arising as a result of any such offense;</u>	223 224 225 226 227 228 229 230
<u>7. Have not been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under State or federal law, at any time, relating to any of the following:</u>	231 232 233 234
<u>a. Kidnapping;</u>	235
<u>b. Human trafficking;</u>	236
<u>c. Human smuggling;</u>	237
<u>d. Sexual battery, sexual assault, or any related offenses; or</u>	238 239
<u>e. Any other category of offense which the Commission may by Rule designate.</u>	240 241
<u>8. Have not previously held a Massage Therapy license</u>	242

which was revoked by, or surrendered in lieu of discipline to an 243  
applicable Licensing Authority; 244

9. Have no history of any Adverse Action on any 245  
occupational or professional license within two (2) years prior 246  
to the date of their application; and 247

10. Pay all required fees. 248

B. A Multistate License granted pursuant to this Compact may be 249  
effective for a definite period of time concurrent with the 250  
renewal of the Home State license. 251

C. A Licensee practicing in a Member State is subject to all 252  
scope of practice laws governing Massage Therapy Services in 253  
that State. 254

D. The Practice of Massage Therapy under a Multistate License 255  
granted pursuant to this Compact will subject the Licensee to 256  
the jurisdiction of the Licensing Authority, the courts, and the 257  
laws of the Member State in which the Massage Therapy Services 258  
are provided. 259

**ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION** 260  
**AND MEMBER STATE LICENSING AUTHORITIES** 261

A. Nothing in this Compact, nor any Rule of the Commission, 262  
shall be construed to limit, restrict, or in any way reduce the 263  
ability of a Member State to enact and enforce laws, 264  
regulations, or other rules related to the Practice of Massage 265  
Therapy in that State, where those laws, regulations, or other 266  
rules are not inconsistent with the provisions of this Compact. 267

B. Nothing in this Compact, nor any Rule of the Commission, 268  
shall be construed to limit, restrict, or in any way reduce the 269  
ability of a Member State to take Adverse Action against a 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

practice in the Home State, the Licensee's Authorization to 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 MILITARY MEMBER AND THEIR SPOUSES** 356

Active Military Member, or their spouses, shall designate a Home 357  
State where the individual has a current license to practice 358  
Massage Therapy in good standing. The individual may retain 359  
their Home State designation during any period of service when 360  
that individual or their spouse is on active duty assignment. 361

**ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE** 362  
**COMPACT COMMISSION** 363

A. The Compact Member States hereby create and establish a joint 364  
government agency whose membership consists of all Member States 365  
that have enacted the Compact known as the Interstate Massage 366  
Compact Commission. The Commission is an instrumentality of the 367  
Compact States acting jointly and not an instrumentality of any 368  
one State. The Commission shall come into existence on or after 369  
the effective date of the Compact as set forth in Article 12. 370

B. Membership, Voting, and Meetings 371

1. Each Member State shall have and be limited to one (1) 372  
delegate selected by that Member State's State Licensing 373  
Authority. 374

2. The delegate shall be the primary administrative 375  
officer of the State Licensing Authority or their designee. 376

3. The Commission shall by Rule or bylaw establish a term 377  
of office for delegates and may by Rule or bylaw establish term 378  
limits. 379

4. The Commission may recommend removal or suspension of 380  
any delegate from office. 381

5. A Member State's State Licensing Authority shall fill 382  
any vacancy of its delegate occurring on the Commission within 383  
60 days of the vacancy. 384

<u>6. Each delegate shall be entitled to one vote on all</u>	385
<u>matters that are voted on by the Commission.</u>	386
<u>7. The Commission shall meet at least once during each</u>	387
<u>calendar year. Additional meetings may be held as set forth in</u>	388
<u>the bylaws. The Commission may meet by telecommunication, video</u>	389
<u>conference or other similar electronic means.</u>	390
<u>C. The Commission shall have the following powers:</u>	391
<u>1. Establish the fiscal year of the Commission;</u>	392
<u>2. Establish code of conduct and conflict of interest</u>	393
<u>policies;</u>	394
<u>3. Adopt Rules and bylaws;</u>	395
<u>4. Maintain its financial records in accordance with the</u>	396
<u>bylaws;</u>	397
<u>5. Meet and take such actions as are consistent with the</u>	398
<u>provisions of this Compact, the Commission's Rules, and the</u>	399
<u>bylaws;</u>	400
<u>6. Initiate and conclude legal proceedings or actions in</u>	401
<u>the name of the Commission, provided that the standing of any</u>	402
<u>State Licensing Authority to sue or be sued under applicable law</u>	403
<u>shall not be affected;</u>	404
<u>7. Maintain and certify records and information provided</u>	405
<u>to a Member State as the authenticated business records of the</u>	406
<u>Commission, and designate an agent to do so on the Commission's</u>	407
<u>behalf;</u>	408
<u>8. Purchase and maintain insurance and bonds;</u>	409
<u>9. Borrow, accept, or contract for services of personnel,</u>	410
<u>including, but not limited to, employees of a Member State;</u>	411

<u>10. Conduct an annual financial review;</u>	412
<u>11. Hire employees, elect or appoint officers, fix</u>	413
<u>compensation, define duties, grant such individuals appropriate</u>	414
<u>authority to carry out the purposes of the Compact, and</u>	415
<u>establish the Commission's personnel policies and programs</u>	416
<u>relating to conflicts of interest, qualifications of personnel,</u>	417
<u>and other related personnel matters;</u>	418
<u>12. Assess and collect fees;</u>	419
<u>13. Accept any and all appropriate gifts, donations,</u>	420
<u>grants of money, other sources of revenue, equipment, supplies,</u>	421
<u>materials, and services, and receive, utilize, and dispose of</u>	422
<u>the same; provided that at all times the Commission shall avoid</u>	423
<u>any appearance of impropriety or conflict of interest;</u>	424
<u>14. Lease, purchase, retain, own, hold, improve, or use</u>	425
<u>any property, real, personal, or mixed, or any undivided</u>	426
<u>interest therein;</u>	427
<u>15. Sell, convey, mortgage, pledge, lease, exchange,</u>	428
<u>abandon, or otherwise dispose of any property real, personal, or</u>	429
<u>mixed;</u>	430
<u>16. Establish a budget and make expenditures;</u>	431
<u>17. Borrow money;</u>	432
<u>18. Appoint committees, including standing committees,</u>	433
<u>composed of members, State regulators, State legislators or</u>	434
<u>their representatives, and consumer representatives, and such</u>	435
<u>other interested persons as may be designated in this Compact</u>	436
<u>and the bylaws;</u>	437
<u>19. Accept and transmit complaints from the public,</u>	438
<u>regulatory or law enforcement agencies, or the Commission, to</u>	439



the relevant Member State(s) regarding potential misconduct of 440  
Licensees; 441

20. Elect a Chair, Vice Chair, Secretary and Treasurer and 442  
such other officers of the Commission as provided in the 443  
Commission's bylaws; 444

21. Establish and elect an Executive Committee, including 445  
a chair and a vice chair; 446

22. Adopt and provide to the Member States an annual 447  
report. 448

23. Determine whether a State's adopted language is 449  
materially different from the model Compact language such that 450  
the State would not qualify for participation in the Compact; 451  
and 452

24. Perform such other functions as may be necessary or 453  
appropriate to achieve the purposes of this Compact. 454

D. The Executive Committee 455

1. The Executive Committee shall have the power to act on 456  
behalf of the Commission according to the terms of this Compact. 457  
The powers, duties, and responsibilities of the Executive 458  
Committee shall include: 459

a. Overseeing the day-to-day activities of the 460  
administration of the Compact including compliance with the 461  
provisions of the Compact, the Commission's Rules and bylaws, 462  
and other such duties as deemed necessary; 463

b. Recommending to the Commission changes to the Rules or 464  
bylaws, changes to this Compact legislation, fees charged to 465  
Compact Member States, fees charged to Licensees, and other 466  
fees; 467

<u>c. Ensuring Compact administration services are</u>	468
<u>appropriately provided, including by contract;</u>	469
<u>d. Preparing and recommending the budget;</u>	470
<u>e. Maintaining financial records on behalf of the</u>	471
<u>Commission;</u>	472
<u>f. Monitoring Compact compliance of Member States and</u>	473
<u>providing compliance reports to the Commission;</u>	474
<u>g. Establishing additional committees as necessary;</u>	475
<u>h. Exercise the powers and duties of the Commission during</u>	476
<u>the interim between Commission meetings, except for adopting or</u>	477
<u>amending Rules, adopting or amending bylaws, and exercising any</u>	478
<u>other powers and duties expressly reserved to the Commission by</u>	479
<u>Rule or bylaw; and</u>	480
<u>i. Other duties as provided in the Rules or bylaws of the</u>	481
<u>Commission.</u>	482
<u>2. The Executive Committee shall be composed of seven</u>	483
<u>voting members and up to two ex-officio members as follows:</u>	484
<u>a. The chair and vice chair of the Commission and any</u>	485
<u>other members of the Commission who serve on the Executive</u>	486
<u>Committee shall be voting members of the Executive Committee;</u>	487
<u>and</u>	488
<u>b. Other than the chair, vice-chair, secretary and</u>	489
<u>treasurer, the Commission shall elect three voting members from</u>	490
<u>the current membership of the Commission.</u>	491
<u>c. The Commission may elect ex-officio, nonvoting members</u>	492
<u>as necessary as follows:</u>	493
<u>i. One ex-officio member who is a representative of the</u>	494

<u>national association of State Massage Therapy regulatory boards</u>	495
<u>    ii. One ex-officio member as specified in the Commission's</u>	496
<u>bylaws.</u>	497
<u>    3. The Commission may remove any member of the Executive</u>	498
<u>Committee as provided in the Commission's bylaws.</u>	499
<u>    4. The Executive Committee shall meet at least annually.</u>	500
<u>        a. Executive Committee meetings shall be open to the</u>	501
<u>public, except that the Executive Committee may meet in a</u>	502
<u>closed, non-public session of a public meeting when dealing with</u>	503
<u>any of the matters covered under subsection F.4.</u>	504
<u>        b. The Executive Committee shall give five business days</u>	505
<u>advance notice of its public meetings, posted on its website and</u>	506
<u>as determined to provide notice to persons with an interest in</u>	507
<u>the public matters the Executive Committee intends to address at</u>	508
<u>those meetings.</u>	509
<u>    5. The Executive Committee may hold an emergency meeting</u>	510
<u>when acting for the Commission to:</u>	511
<u>        a. Meet an imminent threat to public health, safety, or</u>	512
<u>welfare;</u>	513
<u>        b. Prevent a loss of Commission or Participating State</u>	514
<u>funds; or</u>	515
<u>        c. Protect public health and safety.</u>	516
<u>E. The Commission shall adopt and provide to the Member States</u>	517
<u>an annual report.</u>	518
<u>F. Meetings of the Commission</u>	519
<u>    1. All meetings of the Commission that are not closed</u>	520
<u>pursuant to this subsection shall be open to the public. Notice</u>	521

of public meetings shall be posted on the Commission's website 522  
at least thirty (30) days prior to the public meeting. 523

2. Notwithstanding subsection F.1 of this Article, the 524  
Commission may convene an emergency public meeting by providing 525  
at least twenty-four (24) hours prior notice on the Commission's 526  
website, and any other means as provided in the Commission's 527  
Rules, for any of the reasons it may dispense with notice of 528  
proposed rulemaking under Article 10.L. The Commission's legal 529  
counsel shall certify the that one of the reasons justifying an 530  
emergency public meeting has been met. 531

3. Notice of all Commission meetings shall provide the 532  
time, date, and location of the meeting, and if the meeting is 533  
to be held or accessible via telecommunication, video 534  
conference, or other electronic means, the notice shall include 535  
the mechanism for access to the meeting. 536

4. The Commission may convene in a closed, non-public 537  
meeting for the Commission to discuss: 538

a. Non-compliance of a Member State with its obligations 539  
under the Compact; 540

b. The employment, compensation, discipline or other 541  
matters, practices or procedures related to specific employees 542  
or other matters related to the Commission's internal personnel 543  
practices and procedures; 544

c. Current or threatened discipline of a Licensee by the 545  
Commission or by a Member State's Licensing Authority; 546

d. Current, threatened, or reasonably anticipated 547  
litigation; 548

e. Negotiation of contracts for the purchase, lease, or 549

<u>sale of goods, services, or real estate;</u>	550
<u>f. Accusing any person of a crime or formally censuring any person;</u>	551
	552
<u>g. Trade secrets or commercial or financial information that is privileged or confidential;</u>	553
	554
<u>h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;</u>	555
	556
<u>i. Investigative records compiled for law enforcement purposes;</u>	557
	558
<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>	559
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<u>k. Legal advice;</u>	563
<u>l. Matters specifically exempted from disclosure to the public by federal or Member State law; or</u>	564
	565
<u>m. Other matters as promulgated by the Commission by Rule.</u>	566
<u>5. 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>	567
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<u>6. 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>	571
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of a closed meeting shall remain under seal, subject to release 577  
only by a majority vote of the Commission or order of a court of 578  
competent jurisdiction. 579

G. Financing of the Commission 580

1. The Commission shall pay, or provide for the payment 581  
of, the reasonable expenses of its establishment, organization, 582  
and ongoing activities. 583

2. The Commission may accept any and all appropriate 584  
sources of revenue, donations, and grants of money, equipment, 585  
supplies, materials, and services. 586

3. The Commission may levy on and collect an annual 587  
assessment from each Member State and impose fees on Licensees 588  
of Member States to whom it grants a Multistate License to cover 589  
the cost of the operations and activities of the Commission and 590  
its staff, which must be in a total amount sufficient to cover 591  
its annual budget as approved each year for which revenue is not 592  
provided by other sources. The aggregate annual assessment 593  
amount for Member states shall be allocated based upon a formula 594  
that the Commission shall promulgate by Rule. 595

4. The Commission shall not incur obligations of any kind 596  
prior to securing the funds adequate to meet the same; nor shall 597  
the Commission pledge the credit of any Member States, except by 598  
and with the authority of the Member State. 599

5. The Commission shall keep accurate accounts of all 600  
receipts and disbursements. The receipts and disbursements of 601  
the Commission shall be subject to the financial review and 602  
accounting procedures established under its bylaws. All receipts 603  
and disbursements of funds handled by the Commission shall be 604  
subject to an annual financial review by a certified or licensed 605

public accountant, and the report of the financial review shall 606  
be included in and become part of the annual report of the 607  
Commission. 608

H. Qualified Immunity, Defense, and Indemnification 609

1. The members, officers, executive director, employees 610  
and representatives of the Commission shall be immune from suit 611  
and liability, both personally and in their official capacity, 612  
for any claim for damage to or loss of property or personal 613  
injury or other civil liability caused by or arising out of any 614  
actual or alleged act, error, or omission that occurred, or that 615  
the person against whom the claim is made had a reasonable basis 616  
for believing occurred within the scope of Commission 617  
employment, duties or responsibilities; provided that nothing in 618  
this paragraph shall be construed to protect any such person 619  
from suit or liability for any damage, loss, injury, or 620  
liability caused by the intentional or willful or wanton 621  
misconduct of that person. The procurement of insurance of any 622  
type by the Commission shall not in any way compromise or limit 623  
the immunity granted hereunder. 624

2. The Commission shall defend any member, officer, 625  
executive director, employee, and representative of the 626  
Commission in any civil action seeking to impose liability 627  
arising out of any actual or alleged act, error, or omission 628  
that occurred within the scope of Commission employment, duties, 629  
or responsibilities, or as determined by the Commission that the 630  
person against whom the claim is made had a reasonable basis for 631  
believing occurred within the scope of Commission employment, 632  
duties, or responsibilities; provided that nothing herein shall 633  
be construed to prohibit that person from retaining their own 634  
counsel at their own expense; and provided further, that the 635

actual or alleged act, error, or omission did not result from 636  
that person's intentional or willful or wanton misconduct. 637

3. The Commission shall indemnify and hold harmless any 638  
member, officer, executive director, employee, and 639  
representative of the Commission for the amount of any 640  
settlement or judgment obtained against that person arising out 641  
of any actual or alleged act, error, or omission that occurred 642  
within the scope of Commission employment, duties, or 643  
responsibilities, or that such person had a reasonable basis for 644  
believing occurred within the scope of Commission employment, 645  
duties, or responsibilities, provided that the actual or alleged 646  
act, error, or omission did not result from the intentional or 647  
willful or wanton misconduct of that person. 648

4. Nothing herein shall be construed as a limitation on 649  
the liability of any Licensee for professional malpractice or 650  
misconduct, which shall be governed solely by any other 651  
applicable State laws. 652

5. Nothing in this Compact shall be interpreted to waive 653  
or otherwise abrogate a Member State's State action immunity or 654  
State action affirmative defense with respect to antitrust 655  
claims under the Sherman Act, Clayton Act, or any other State or 656  
federal antitrust or anticompetitive law or regulation. 657

6. Nothing in this Compact shall be construed to be a 658  
waiver of sovereign immunity by the Member States or by the 659  
Commission. 660

**ARTICLE 9- DATA SYSTEM** 661

A. The Commission shall provide for the development, 662  
maintenance, operation, and utilization of a coordinated 663  
database and reporting system. 664



B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission. 665  
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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: 668  
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1. Identifying information; 673

2. Licensure data; 674

3. Adverse Actions against a license and information related thereto; 675  
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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; 677  
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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); 681  
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683

6. The existence of Investigative Information; 684

7. The existence presence of Current Significant Investigative Information; and 685  
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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. 687  
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 690  
691

certified by the Commission or an agent thereof, shall 692  
constitute the authenticated business records of the Commission, 693  
and shall be entitled to any associated hearsay exception in any 694  
relevant judicial, quasi-judicial or administrative proceedings 695  
in a Member State. 696

E. The existence of Current Significant Investigative 697  
Information and the existence of Investigative Information 698  
pertaining to a Licensee in any Member State will only be 699  
available to other Member States. 700

F. It is the responsibility of the Member States to report any 701  
Adverse Action against a Licensee who holds a Multistate License 702  
and to monitor the database to determine whether Adverse Action 703  
has been taken against such a Licensee or License applicant. 704  
Adverse Action information pertaining to a Licensee or License 705  
applicant in any Member State will be available to any other 706  
Member State. 707

G. Member States contributing information to the Data System may 708  
designate information that may not be shared with the public 709  
without the express permission of the contributing State. 710

H. Any information submitted to the Data System that is 711  
subsequently expunged pursuant to federal law or the laws of the 712  
Member State contributing the information shall be removed from 713  
the Data System. 714

**ARTICLE 10- RULEMAKING** 715

A. The Commission shall promulgate reasonable Rules in order to 716  
effectively and efficiently implement and administer the 717  
purposes and provisions of the Compact. A Rule shall be invalid 718  
and have no force or effect only if a court of competent 719  
jurisdiction holds that the Rule is invalid because the 720

Commission exercised its rulemaking authority in a manner that 721  
is beyond the scope and purposes of the Compact, or the powers 722  
granted hereunder, or based upon another applicable standard of 723  
review. 724

B. The Rules of the Commission shall have the force of law in 725  
each Member State, provided however that where the Rules of the 726  
Commission conflict with the laws of the Member State that 727  
establish the Member State's scope of practice as held by a 728  
court of competent jurisdiction, the Rules of the Commission 729  
shall be ineffective in that State to the extent of the 730  
conflict. 731

C. The Commission shall exercise its Rulemaking powers pursuant 732  
to the criteria set forth in this article and the Rules adopted 733  
thereunder. Rules shall become binding as of the date specified 734  
by the Commission for each Rule. 735

D. If a majority of the legislatures of the Member States 736  
rejects a Rule or portion of a Rule, by enactment of a statute 737  
or resolution in the same manner used to adopt the Compact 738  
within four (4) years of the date of adoption of the Rule, then 739  
such Rule shall have no further force and effect in any Member 740  
State or to any State applying to participate in the Compact. 741

E. Rules shall be adopted at a regular or special meeting of the 742  
Commission. 743

F. Prior to adoption of a proposed Rule, the Commission shall 744  
hold a public hearing and allow persons to provide oral and 745  
written comments, data, facts, opinions, and arguments. 746

G. Prior to adoption of a proposed Rule by the Commission, and 747  
at least thirty (30) days in advance of the meeting at which the 748  
Commission will hold a public hearing on the proposed Rule, the 749

<u>Commission shall provide a Notice of Proposed Rulemaking:</u>	750
<u>1. On the website of the Commission or other publicly accessible platform;</u>	751
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<u>2. To persons who have requested notice of the Commission's notices of proposed rulemaking, and</u>	753
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<u>3. In such other way(s) as the Commission may by Rule specify.</u>	755
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<u>H. The Notice of Proposed Rulemaking shall include:</u>	757
<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>	758
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<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>	763
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<u>3. The text of the proposed Rule and the reason therefor;</u>	767
<u>4. A request for comments on the proposed Rule from any interested person; and</u>	768
	769
<u>5. The manner in which interested persons may submit written comments.</u>	770
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<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>	772
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	774
<u>J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the</u>	775
	776

convenience of the Commission at hearings required by this 777  
article. 778

K. The Commission shall, by majority vote of all Commissioners, 779  
take final action on the proposed Rule based on the Rulemaking 780  
record. 781

1. The Commission may adopt changes to the proposed Rule 782  
provided the changes do not enlarge the original purpose of the 783  
proposed Rule. 784

2. The Commission shall provide an explanation of the 785  
reasons for substantive changes made to the proposed Rule as 786  
well as reasons for substantive changes not made that were 787  
recommended by commenters. 788

3. The Commission shall determine a reasonable effective 789  
date for the Rule. Except for an emergency as provided in 790  
subsection L, the effective date of the Rule shall be no sooner 791  
than thirty (30) days after the Commission issuing the notice 792  
that it adopted or amended the Rule. 793

L. Upon determination that an emergency exists, the Commission 794  
may consider and adopt an emergency Rule with 24 hours notice, 795  
provided that the usual Rulemaking procedures provided in the 796  
Compact and in this article shall be retroactively applied to 797  
the Rule as soon as reasonably possible, in no event later than 798  
ninety (90) days after the effective date of the Rule. For the 799  
purposes of this provision, an emergency Rule is one that must 800  
be adopted immediately to: 801

1. Meet an imminent threat to public health, safety, or 802  
welfare; 803

2. Prevent a loss of Commission or Member State funds; 804

3. Meet a deadline for the promulgation of a Rule that is 805  
established by federal law or rule; or 806

4. Protect public health and safety. 807

M. The Commission or an authorized committee of the Commission 808  
may direct revisions to a previously adopted Rule for purposes 809  
of correcting typographical errors, errors in format, errors in 810  
consistency, or grammatical errors. Public notice of any 811  
revisions shall be posted on the website of the Commission. The 812  
revision shall be subject to challenge by any person for a 813  
period of thirty (30) days after posting. The revision may be 814  
challenged only on grounds that the revision results in a 815  
material change to a Rule. A challenge shall be made in writing 816  
and delivered to the Commission prior to the end of the notice 817  
period. If no challenge is made, the revision will take effect 818  
without further action. If the revision is challenged, the 819  
revision may not take effect without the approval of the 820  
Commission. 821

N. No Member State's rulemaking requirements shall apply under 822  
this Compact. 823

**ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT** 824

**A. Oversight** 825

1. The executive and judicial branches of State government 826  
in each Member State shall enforce this Compact and take all 827  
actions necessary and appropriate to implement the Compact. 828

2. Venue is proper and judicial proceedings by or against 829  
the Commission shall be brought solely and exclusively in a 830  
court of competent jurisdiction where the principal office of 831  
the Commission is located. The Commission may waive venue and 832  
jurisdictional defenses to the extent it adopts or consents to 833

participate in alternative dispute resolution proceedings. 834  
Nothing herein shall affect or limit the selection or propriety 835  
of venue in any action against a Licensee for professional 836  
malpractice, misconduct or any such similar matter. 837

3. The Commission shall be entitled to receive service of 838  
process in any proceeding regarding the enforcement or 839  
interpretation of the Compact and shall have standing to 840  
intervene in such a proceeding for all purposes. Failure to 841  
provide the Commission service of process shall render a 842  
judgment or order void as to the Commission, this Compact, or 843  
promulgated Rules. 844

B. Default, Technical Assistance, and Termination 845

1. If the Commission determines that a Member State has 846  
defaulted in the performance of its obligations or 847  
responsibilities under this Compact or the promulgated Rules, 848  
the Commission shall provide written notice to the defaulting 849  
State. The notice of default shall describe the default, the 850  
proposed means of curing the default, and any other action that 851  
the Commission may take, and shall offer training and specific 852  
technical assistance regarding the default. 853

2. The Commission shall provide a copy of the notice of 854  
default to the other Member States. 855

C. If a State in default fails to cure the default, the 856  
defaulting State may be terminated from the Compact upon an 857  
affirmative vote of a majority of the delegates of the Member 858  
States, and all rights, privileges and benefits conferred on 859  
that State by this Compact may be terminated on the effective 860  
date of termination. A cure of the default does not relieve the 861  
offending State of obligations or liabilities incurred during 862

the period of default. 863

D. Termination of membership in the Compact shall be imposed 864  
only after all other means of securing compliance have been 865  
exhausted. Notice of intent to suspend or terminate shall be 866  
given by the Commission to the governor, the majority and 867  
minority leaders of the defaulting State's legislature, the 868  
defaulting State's State Licensing Authority and each of the 869  
Member States' State Licensing Authority. 870

E. A State that has been terminated is responsible for all 871  
assessments, obligations, and liabilities incurred through the 872  
effective date of termination, including obligations that extend 873  
beyond the effective date of termination. 874

F. Upon the termination of a State's membership from this 875  
Compact, that State shall immediately provide notice to all 876  
Licensees who hold a Multistate License within that State of 877  
such termination. The terminated State shall continue to 878  
recognize all licenses granted pursuant to this Compact for a 879  
minimum of one hundred eighty (180) days after the date of said 880  
notice of termination. 881

G. The Commission shall not bear any costs related to a State 882  
that is found to be in default or that has been terminated from 883  
the Compact, unless agreed upon in writing between the 884  
Commission and the defaulting State. 885

H. The defaulting State may appeal the action of the Commission 886  
by petitioning the U.S. District Court for the District of 887  
Columbia or the federal district where the Commission has its 888  
principal offices. The prevailing party shall be awarded all 889  
costs of such litigation, including reasonable attorney's fees. 890

I. Dispute Resolution 891



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. 892  
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2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate. 895  
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J. Enforcement 898

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's Rules. 899  
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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. 902  
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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 915  
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judicial enforcement is necessary, the prevailing party shall be 921  
awarded all costs of such litigation, including reasonable 922  
attorney's fees. 923

4. No individual or entity other than a Member State may 924  
enforce this Compact against the Commission. 925

**ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT** 926

A. The Compact shall come into effect on the date on which the 927  
Compact statute is enacted into law in the seventh Member State. 928

1. On or after the effective date of the Compact, the 929  
Commission shall convene and review the enactment of each of the 930  
Charter Member States to determine if the statute enacted by 931  
each such Charter Member State is materially different than the 932  
model Compact statute. 933

a. A Charter Member State whose enactment is found to be 934  
materially different from the model Compact statute shall be 935  
entitled to the default process set forth in Article 11. 936

b. If any Member State is later found to be in default, or 937  
is terminated or withdraws from the Compact, the Commission 938  
shall remain in existence and the Compact shall remain in effect 939  
even if the number of Member States should be less than seven 940  
(7). 941

2. Member States enacting the Compact subsequent to the 942  
Charter Member States shall be subject to the process set forth 943  
in Article 8.C.23 to determine if their enactments are 944  
materially different from the model Compact statute and whether 945  
they qualify for participation in the Compact. 946

3. All actions taken for the benefit of the Commission or 947  
in furtherance of the purposes of the administration of the 948

Compact prior to the effective date of the Compact or the 949  
Commission coming into existence shall be considered to be 950  
actions of the Commission unless specifically repudiated by the 951  
Commission. 952

4. Any State that joins the Compact shall be subject to 953  
the Commission's Rules and bylaws as they exist on the date on 954  
which the Compact becomes law in that State. Any Rule that has 955  
been previously adopted by the Commission shall have the full 956  
force and effect of law on the day the Compact becomes law in 957  
that State. 958

B. Any Member State may withdraw from this Compact by enacting a 959  
statute repealing that State's enactment of the Compact. 960

1. A Member State's withdrawal shall not take effect until 961  
one hundred eighty (180) days after enactment of the repealing 962  
statute. 963

2. Withdrawal shall not affect the continuing requirement 964  
of the withdrawing State's Licensing Authority to comply with 965  
the investigative and Adverse Action reporting requirements of 966  
this Compact prior to the effective date of withdrawal. 967

3. Upon the enactment of a statute withdrawing from this 968  
Compact, a State shall immediately provide notice of such 969  
withdrawal to all Licensees within that State. Notwithstanding 970  
any subsequent statutory enactment to the contrary, such 971  
withdrawing State shall continue to recognize all licenses 972  
granted pursuant to this Compact for a minimum of 180 days after 973  
the date of such notice of withdrawal. 974

C. Nothing contained in this Compact shall be construed to 975  
invalidate or prevent any licensure agreement or other 976  
cooperative arrangement between a Member State and a non-Member 977

<u>State that does not conflict with the provisions of this</u>	978
<u>Compact.</u>	979
<u>D. This Compact may be amended by the Member States. No</u>	980
<u>amendment to this Compact shall become effective and binding</u>	981
<u>upon any Member State until it is enacted into the laws of all</u>	982
<u>Member States.</u>	983
<b><u>ARTICLE 13. CONSTRUCTION AND SEVERABILITY</u></b>	984
<u>A. This Compact and the Commission's rulemaking authority shall</u>	985
<u>be liberally construed so as to effectuate the purposes, and the</u>	986
<u>implementation and administration of the Compact. Provisions of</u>	987
<u>the Compact expressly authorizing or requiring the promulgation</u>	988
<u>of Rules shall not be construed to limit the Commission's</u>	989
<u>rulemaking authority solely for those purposes.</u>	990
<u>B. The provisions of this Compact shall be severable and if any</u>	991
<u>phrase, clause, sentence or provision of this Compact is held by</u>	992
<u>a court of competent jurisdiction to be contrary to the</u>	993
<u>constitution of any Member State, a State seeking participation</u>	994
<u>in the Compact, or of the United States, or the applicability</u>	995
<u>thereof to any government, agency, person or circumstance is</u>	996
<u>held to be unconstitutional by a court of competent</u>	997
<u>jurisdiction, the validity of the remainder of this Compact and</u>	998
<u>the applicability thereof to any other government, agency,</u>	999
<u>person or circumstance shall not be affected thereby.</u>	1000
<u>C. Notwithstanding subsection B of this article, the Commission</u>	1001
<u>may deny a State's participation in the Compact or, in</u>	1002
<u>accordance with the requirements of Article 11.B, terminate a</u>	1003
<u>Member State's participation in the Compact, if it determines</u>	1004
<u>that a constitutional requirement of a Member State is a</u>	1005
<u>material departure from the Compact. Otherwise, if this Compact</u>	1006

shall be held to be contrary to the constitution of any Member 1007  
State, the Compact shall remain in full force and effect as to 1008  
the remaining Member States and in full force and effect as to 1009  
the Member State affected as to all severable matters. 1010

**ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS** 1011

Nothing herein shall prevent or inhibit the enforcement of 1012  
any other law of a Member State that is not inconsistent with 1013  
the Compact. 1014

Any laws, statutes, regulations, or other legal 1015  
requirements in a Member State in conflict with the Compact are 1016  
superseded to the extent of the conflict. 1017

All permissible agreements between the Commission and the 1018  
Member States are binding in accordance with their terms. 1019

**Sec. 4731.157.** Not later than sixty days after the 1020  
"Interstate Massage Compact (IMpact)" is entered into under 1021  
section 4731.156 of the Revised Code, the state medical board, 1022  
in accordance with Article 8 of the compact, shall select one 1023  
individual to serve as a delegate to the interstate massage 1024  
compact commission created under the compact. The board shall 1025  
fill a vacancy in this position not later than sixty days after 1026  
the vacancy occurs. 1027