

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Sub. S. B. No. 56

Senator Roegner

Cosponsors: Senators Hackett, Johnson, Huffman, S., Antonio, Cirino, Craig, DeMora, Dolan, Gavarone, Hicks-Hudson, Ingram, Landis, Lang, O'Brien, Reineke, Reynolds, Rulli, Sykes, Wilkin, Wilson

Representatives Johnson, Abrams, Claggett, Dell'Aquila, Jarrells, Jones, Roemer, Brennan, Brent, Carruthers, Forhan, Fowler Arthur, Grim, Hillyer, Peterson, Piccolantonio, Schmidt, Somani, Willis

A BILL

To enact sections 4731.156 and 4731.157 of the 1
Revised Code to enter into the Interstate 2
Message 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 Message 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 MESSAGE 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

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

<u>ARTICLE 3- MEMBER STATE REQUIREMENTS</u>	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

compliance with the terms of the Compact and Rules of the 183
Commission, of any disciplinary action taken by the State 184
against a Licensee practicing under a Multistate License in that 185
State, or of the existence of Investigative Information or 186
Current Significant Investigative Information regarding a 187
Licensee practicing in that State pursuant to a Multistate 188
License; 189

9. Comply with the Rules of the Commission; 190

10. Accept Licensees with valid Multistate Licenses from 191
other Member States as established herein; 192

B. Individuals not residing in a Member State shall continue to 193
be able to apply for a Member State's Single-State License as 194
provided under the laws of each Member State. However, the 195
Single-State License granted to those individuals shall not be 196
recognized as granting a Multistate License for Massage Therapy 197
in any other Member State; 198

C. Nothing in this Compact shall affect the requirements 199
established by a Member State for the issuance of a Single-State 200
License; and 201

D. A Multistate License issued to a Licensee shall be recognized 202
by each Remote State as an Authorization to Practice Massage 203
Therapy in each Remote State. 204

ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS 205

A. To qualify for a Multistate License under this Compact, and 206
to maintain eligibility for such a license, an applicant must: 207

1. Hold an active Single-State License to practice Massage 208
therapy in the applicant's Home State; 209

2. Have completed at least six hundred and twenty-five 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</u>	216
<u>entered into an agreed disposition, of a felony offense under</u>	217
<u>applicable State or federal criminal law, within five (5) years</u>	218
<u>prior to the date of their application, where such a time period</u>	219
<u>shall not include any time served for the offense, and provided</u>	220
<u>that the applicant has completed any and all requirements</u>	221
<u>arising as a result of any such offense;</u>	222
<u>6. Have not been convicted or found guilty, or have</u>	223
<u>entered into an agreed disposition, of a misdemeanor offense</u>	224
<u>related to the Practice of Massage Therapy under applicable</u>	225
<u>State or federal criminal law, within two (2) years prior to the</u>	226
<u>date of their application where such a time period shall not</u>	227
<u>include any time served for the offense, and provided that the</u>	228
<u>applicant has completed any and all requirements arising as a</u>	229
<u>result of any such offense;</u>	230
<u>7. Have not been convicted or found guilty, or have</u>	231
<u>entered into an agreed disposition, of any offense, whether a</u>	232
<u>misdemeanor or a felony, under State or federal law, at any</u>	233
<u>time, relating to any of the following:</u>	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</u>	238

<u>offenses; or</u>	239
<u>e. Any other category of offense which the Commission may</u>	240
<u>by Rule designate.</u>	241
<u>8. Have not previously held a Massage Therapy license</u>	242
<u>which was revoked by, or surrendered in lieu of discipline to an</u>	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
<u>ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION</u>	260
<u>AND MEMBER STATE LICENSING AUTHORITIES</u>	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
ARTICLE 6- ADVERSE ACTIONS	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

License who changes their Home State during the course of such 295
an investigation. The Licensing Authority shall also be 296
empowered to report the results of such an investigation to the 297
Commission through the Data System as described herein. 298

D. Any Member State may investigate actual or alleged violations 299
of the scope of practice laws in any other Member State for a 300
massage therapist who holds a Multistate License. 301

E. A Remote State shall have the authority to: 302

1. Take Adverse Actions against a Licensee's Authorization 303
to Practice; 304

2. Issue cease and desist orders or impose an Encumbrance 305
on a Licensee's Authorization to Practice in that State. 306

3. Issue subpoenas for both hearings and investigations 307
that require the attendance and testimony of witnesses, as well 308
as the production of evidence. Subpoenas issued by a Licensing 309
Authority in a Member State for the attendance and testimony of 310
witnesses or the production of evidence from another Member 311
State shall be enforced in the latter State by any court of 312
competent jurisdiction, according to the practice and procedure 313
of that court applicable to subpoenas issued in proceedings 314
before it. The issuing Licensing Authority shall pay any witness 315
fees, travel expenses, mileage, and other fees required by the 316
service statutes of the State in which the witnesses or evidence 317
are located. 318

4. If otherwise permitted by State law, recover from the 319
affected Licensee the costs of investigations and disposition of 320
cases resulting from any Adverse Action taken against that 321
Licensee. 322

5. Take Adverse Action against the Licensee's 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
<u>Practice in all other Member States shall be deactivated until</u>	329
<u>all Encumbrances have been removed from such license. All Home</u>	330
<u>State disciplinary orders that impose an Adverse Action against</u>	331
<u>a Licensee shall include a statement that the Massage</u>	332
<u>Therapist's Authorization to Practice is deactivated in all</u>	333
<u>Member States during the pendency of the order.</u>	334
<u>G. If Adverse Action is taken by a Remote State against a</u>	335
<u>Licensee's Authorization to Practice, that Adverse Action</u>	336
<u>applies to all Authorizations to Practice in all Remote States.</u>	337
<u>A Licensee whose Authorization to Practice in a Remote State is</u>	338
<u>removed for a specified period of time is not eligible to apply</u>	339
<u>for a new Multistate License in any other State until the</u>	340
<u>specific time for removal of the Authorization to Practice has</u>	341
<u>passed and all encumbrance requirements are satisfied.</u>	342
<u>H. Nothing in this Compact shall override a Member State's</u>	343
<u>authority to accept a Licensee's participation in an Alternative</u>	344
<u>Program in lieu of Adverse Action. A Licensee's Multistate</u>	345
<u>License shall be suspended for the duration of the Licensee's</u>	346
<u>participation in any Alternative Program.</u>	347
<u>I. Joint Investigations</u>	348
<u>1. In addition to the authority granted to a Member State</u>	349
<u>by its respective scope of practice laws or other applicable</u>	350
<u>State law, a Member State may participate with other Member</u>	351
<u>States in joint investigations of Licensees.</u>	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

<u>any delegate from office.</u>	381
<u>5. A Member State's State Licensing Authority shall fill</u>	382
<u>any vacancy of its delegate occurring on the Commission within</u>	383
<u>60 days of the vacancy.</u>	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> <u>including, but not limited to, employees of a Member State;</u>	410 411
<u>10. Conduct an annual financial review;</u>	412
<u>11. Hire employees, elect or appoint officers, fix</u> <u>compensation, define duties, grant such individuals appropriate</u> <u>authority to carry out the purposes of the Compact, and</u> <u>establish the Commission's personnel policies and programs</u> <u>relating to conflicts of interest, qualifications of personnel,</u> <u>and other related personnel matters;</u>	413 414 415 416 417 418
<u>12. Assess and collect fees;</u>	419
<u>13. Accept any and all appropriate gifts, donations,</u> <u>grants of money, other sources of revenue, equipment, supplies,</u> <u>materials, and services, and receive, utilize, and dispose of</u> <u>the same; provided that at all times the Commission shall avoid</u> <u>any appearance of impropriety or conflict of interest;</u>	420 421 422 423 424
<u>14. Lease, purchase, retain, own, hold, improve, or use</u> <u>any property, real, personal, or mixed, or any undivided</u> <u>interest therein;</u>	425 426 427
<u>15. Sell, convey, mortgage, pledge, lease, exchange,</u> <u>abandon, or otherwise dispose of any property real, personal, or</u> <u>mixed;</u>	428 429 430
<u>16. Establish a budget and make expenditures;</u>	431
<u>17. Borrow money;</u>	432
<u>18. Appoint committees, including standing committees,</u> <u>composed of members, State regulators, State legislators or</u>	433 434

their representatives, and consumer representatives, and such 435
other interested persons as may be designated in this Compact 436
and the bylaws; 437

19. Accept and transmit complaints from the public, 438
regulatory or law enforcement agencies, or the Commission, to 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

<u>and other such duties as deemed necessary;</u>	463
<u>b. Recommending to the Commission changes to the Rules or</u>	464
<u>bylaws, changes to this Compact legislation, fees charged to</u>	465
<u>Compact Member States, fees charged to Licensees, and other</u>	466
<u>fees;</u>	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
<u>of public meetings shall be posted on the Commission's website</u>	522
<u>at least thirty (30) days prior to the public meeting.</u>	523
<u>2. Notwithstanding subsection F.1 of this Article, the</u>	524
<u>Commission may convene an emergency public meeting by providing</u>	525
<u>at least twenty-four (24) hours prior notice on the Commission's</u>	526
<u>website, and any other means as provided in the Commission's</u>	527
<u>Rules, for any of the reasons it may dispense with notice of</u>	528
<u>proposed rulemaking under Article 10.L. The Commission's legal</u>	529
<u>counsel shall certify the that one of the reasons justifying an</u>	530
<u>emergency public meeting has been met.</u>	531
<u>3. Notice of all Commission meetings shall provide the</u>	532
<u>time, date, and location of the meeting, and if the meeting is</u>	533
<u>to be held or accessible via telecommunication, video</u>	534
<u>conference, or other electronic means, the notice shall include</u>	535
<u>the mechanism for access to the meeting.</u>	536
<u>4. The Commission may convene in a closed, non-public</u>	537
<u>meeting for the Commission to discuss:</u>	538
<u>a. Non-compliance of a Member State with its obligations</u>	539
<u>under the Compact;</u>	540
<u>b. The employment, compensation, discipline or other</u>	541
<u>matters, practices or procedures related to specific employees</u>	542
<u>or other matters related to the Commission's internal personnel</u>	543
<u>practices and procedures;</u>	544

<u>c. Current or threatened discipline of a Licensee by the</u>	545
<u>Commission or by a Member State's Licensing Authority;</u>	546
<u>d. Current, threatened, or reasonably anticipated</u>	547
<u>litigation;</u>	548
<u>e. Negotiation of contracts for the purchase, lease, or</u>	549
<u>sale of goods, services, or real estate;</u>	550
<u>f. Accusing any person of a crime or formally censuring</u>	551
<u>any person;</u>	552
<u>g. Trade secrets or commercial or financial information</u>	553
<u>that is privileged or confidential;</u>	554
<u>h. Information of a personal nature where disclosure would</u>	555
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	556
<u>i. Investigative records compiled for law enforcement</u>	557
<u>purposes;</u>	558
<u>j. Information related to any investigative reports</u>	559
<u>prepared by or on behalf of or for use of the Commission or</u>	560
<u>other committee charged with responsibility of investigation or</u>	561
<u>determination of compliance issues pursuant to the Compact;</u>	562
<u>k. Legal advice;</u>	563
<u>l. Matters specifically exempted from disclosure to the</u>	564
<u>public by federal or Member State law; or</u>	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</u>	567
<u>presiding officer shall state that the meeting will be closed</u>	568
<u>and reference each relevant exempting provision, and such</u>	569
<u>reference shall be recorded in the minutes.</u>	570
<u>6. The Commission shall keep minutes that fully and</u>	571

clearly describe all matters discussed in a meeting and shall 572
provide a full and accurate summary of actions taken, and the 573
reasons therefore, including a description of the views 574
expressed. All documents considered in connection with an action 575
shall be identified in such minutes. All minutes and documents 576
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

<u>ARTICLE 9- DATA SYSTEM</u>	661
<u>A. The Commission shall provide for the development,</u>	662
<u>maintenance, operation, and utilization of a coordinated</u>	663
<u>database and reporting system.</u>	664
<u>B. The Commission shall assign each applicant for a Multistate</u>	665
<u>License a unique identifier, as determined by the Rules of the</u>	666
<u>Commission.</u>	667
<u>C. Notwithstanding any other provision of State law to the</u>	668
<u>contrary, a Member State shall submit a uniform data set to the</u>	669
<u>Data System on all individuals to whom this Compact is</u>	670
<u>applicable as required by the Rules of the Commission,</u>	671
<u>including:</u>	672
<u>1. Identifying information;</u>	673
<u>2. Licensure data;</u>	674
<u>3. Adverse Actions against a license and information</u>	675
<u>related thereto;</u>	676
<u>4. Non-confidential information related to Alternative</u>	677
<u>Program participation, the beginning and ending dates of such</u>	678
<u>participation, and other information related to such</u>	679
<u>participation;</u>	680
<u>5. Any denial of application for licensure, and the</u>	681
<u>reason(s) for such denial (excluding the reporting of any</u>	682
<u>criminal history record information where prohibited by law);</u>	683
<u>6. The existence of Investigative Information;</u>	684
<u>7. The existence presence of Current Significant</u>	685
<u>Investigative Information; and</u>	686
<u>8. Other information that may facilitate the</u>	687

administration of this Compact or the protection of the public, 688
as determined by the Rules of the Commission. 689

D. The records and information provided to a Member State 690
pursuant to this Compact or through the Data System, when 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

<u>written comments, data, facts, opinions, and arguments.</u>	746
<u>G. Prior to adoption of a proposed Rule by the Commission, and</u>	747
<u>at least thirty (30) days in advance of the meeting at which the</u>	748
<u>Commission will hold a public hearing on the proposed Rule, the</u>	749
<u>Commission shall provide a Notice of Proposed Rulemaking:</u>	750
<u>1. On the website of the Commission or other publicly</u>	751
<u>accessible platform;</u>	752
<u>2. To persons who have requested notice of the</u>	753
<u>Commission's notices of proposed rulemaking, and</u>	754
<u>3. In such other way(s) as the Commission may by Rule</u>	755
<u>specify.</u>	756
<u>H. The Notice of Proposed Rulemaking shall include:</u>	757
<u>1. The time, date, and location of the public hearing at</u>	758
<u>which the Commission will hear public comments on the proposed</u>	759
<u>Rule and, if different, the time, date, and location of the</u>	760
<u>meeting where the Commission will consider and vote on the</u>	761
<u>proposed Rule;</u>	762
<u>2. If the hearing is held via telecommunication, video</u>	763
<u>conference, or other electronic means, the Commission shall</u>	764
<u>include the mechanism for access to the hearing in the Notice of</u>	765
<u>Proposed Rulemaking;</u>	766
<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</u>	768
<u>interested person; and</u>	769
<u>5. The manner in which interested persons may submit</u>	770
<u>written comments.</u>	771
<u>I. All hearings will be recorded. A copy of the recording and</u>	772

all written comments and documents received by the Commission in 773
response to the proposed Rule shall be available to the public. 774

J. Nothing in this article shall be construed as requiring a 775
separate hearing on each Rule. Rules may be grouped for the 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

<u>1. Meet an imminent threat to public health, safety, or</u>	802
<u>welfare;</u>	803
<u>2. Prevent a loss of Commission or Member State funds;</u>	804
<u>3. Meet a deadline for the promulgation of a Rule that is</u>	805
<u>established by federal law or rule; or</u>	806
<u>4. Protect public health and safety.</u>	807
<u>M. The Commission or an authorized committee of the Commission</u>	808
<u>may direct revisions to a previously adopted Rule for purposes</u>	809
<u>of correcting typographical errors, errors in format, errors in</u>	810
<u>consistency, or grammatical errors. Public notice of any</u>	811
<u>revisions shall be posted on the website of the Commission. The</u>	812
<u>revision shall be subject to challenge by any person for a</u>	813
<u>period of thirty (30) days after posting. The revision may be</u>	814
<u>challenged only on grounds that the revision results in a</u>	815
<u>material change to a Rule. A challenge shall be made in writing</u>	816
<u>and delivered to the Commission prior to the end of the notice</u>	817
<u>period. If no challenge is made, the revision will take effect</u>	818
<u>without further action. If the revision is challenged, the</u>	819
<u>revision may not take effect without the approval of the</u>	820
<u>Commission.</u>	821
<u>N. No Member State's rulemaking requirements shall apply under</u>	822
<u>this Compact.</u>	823
<u>ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</u>	824
<u>A. Oversight</u>	825
<u>1. The executive and judicial branches of State government</u>	826
<u>in each Member State shall enforce this Compact and take all</u>	827
<u>actions necessary and appropriate to implement the Compact.</u>	828
<u>2. Venue is proper and judicial proceedings by or against</u>	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 892
attempt to resolve disputes related to the Compact that arise 893
among Member States and between Member and non-Member States. 894

2. The Commission shall promulgate a Rule providing for 895
both mediation and binding dispute resolution for disputes as 896
appropriate. 897

J. Enforcement 898

1. The Commission, in the reasonable exercise of its 899
discretion, shall enforce the provisions of this Compact and the 900
Commission's Rules. 901

2. By majority vote as provided by Commission Rule, the 902
Commission may initiate legal action against a Member State in 903
default in the United States District Court for the District of 904
Columbia or the federal district where the Commission has its 905
principal offices to enforce compliance with the provisions of 906
the Compact and its promulgated Rules. The relief sought may 907
include both injunctive relief and damages. In the event 908
judicial enforcement is necessary, the prevailing party shall be 909
awarded all costs of such litigation, including reasonable 910
attorney's fees. The remedies herein shall not be the exclusive 911
remedies of the Commission. The Commission may pursue any other 912
remedies available under federal or the defaulting Member 913
State's law. 914

3. A Member State may initiate legal action against the 915
Commission in the U.S. District Court for the District of 916

Columbia or the federal district where the Commission has its 917
principal offices to enforce compliance with the provisions of 918
the Compact and its promulgated Rules. The relief sought may 919
include both injunctive relief and damages. In the event 920
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
State that does not conflict with the provisions of this 978
Compact. 979

D. This Compact may be amended by the Member States. No 980
amendment to this Compact shall become effective and binding 981
upon any Member State until it is enacted into the laws of all 982
Member States. 983

ARTICLE 13. CONSTRUCTION AND SEVERABILITY 984

A. This Compact and the Commission's rulemaking authority shall 985
be liberally construed so as to effectuate the purposes, and the 986
implementation and administration of the Compact. Provisions of 987
the Compact expressly authorizing or requiring the promulgation 988
of Rules shall not be construed to limit the Commission's 989
rulemaking authority solely for those purposes. 990

B. The provisions of this Compact shall be severable and if any 991
phrase, clause, sentence or provision of this Compact is held by 992
a court of competent jurisdiction to be contrary to the 993
constitution of any Member State, a State seeking participation 994
in the Compact, or of the United States, or the applicability 995
thereof to any government, agency, person or circumstance is 996
held to be unconstitutional by a court of competent 997
jurisdiction, the validity of the remainder of this Compact and 998
the applicability thereof to any other government, agency, 999
person or circumstance shall not be affected thereby. 1000

C. Notwithstanding subsection B of this article, the Commission 1001
may deny a State's participation in the Compact or, in 1002
accordance with the requirements of Article 11.B, terminate a 1003

Member State's participation in the Compact, if it determines 1004
that a constitutional requirement of a Member State is a 1005
material departure from the Compact. Otherwise, if this Compact 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