

I\_136\_2056-2

136th General Assembly  
Regular Session  
2025-2026

. B. No.

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To amend sections 4731.156 and 5903.12; to enact 1  
sections 4731.191 and 4732.42; and to repeal 2  
section 4731.155 of the Revised Code to ratify 3  
the Interstate Compact for School Psychologists, 4  
to modify the Interstate Massage Compact 5  
(IMpact), and to require, instead of permit, 6  
continuing education for massage therapists. 7

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

**Section 1.** That sections 4731.156 and 5903.12 be amended 8  
and sections 4731.191 and 4732.42 of the Revised Code be enacted 9  
to read as follows: 10

**Sec. 4731.156.** The "Interstate Massage Compact (IMpact)" 11  
is hereby ratified, enacted into law, and entered into by the 12  
state of Ohio as a party to the compact with any other state 13  
that has legally joined in the compact as follows: 14

**INTERSTATE MASSAGE COMPACT** 15

**ARTICLE 1- PURPOSE** 16

The purpose of this Compact is to reduce the burdens on 17  
State governments and to facilitate the interstate practice and 18



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regulation of Massage Therapy with the goal of improving public 19  
access to, and the safety of, Massage Therapy Services. Through 20  
this Compact, the Member States seek to establish a regulatory 21  
framework which provides for a new multistate licensing program. 22  
Through this additional licensing pathway, the Member States 23  
seek to provide increased value and mobility to licensed massage 24  
therapists in the Member States, while ensuring the provision of 25  
safe, competent, and reliable services to the public. 26

This Compact is designed to achieve the following 27  
objectives, and the Member States hereby ratify the same 28  
intentions by subscribing hereto: 29

A. Increase public access to Massage Therapy Services by 30  
providing for a multistate licensing pathway; 31

B. Enhance the Member States' ability to protect the 32  
public's health and safety; 33

C. Enhance the Member States' ability to prevent human 34  
trafficking and licensure fraud; 35

D. Encourage the cooperation of Member States in 36  
regulating the multistate Practice of Massage Therapy; 37

E. Support relocating military members and their spouses; 38

F. Facilitate and enhance the exchange of licensure, 39  
investigative, and disciplinary information between the Member 40  
States; 41

G. Create an Interstate Commission that will exist to 42  
implement and administer the Compact; 43

H. Allow a Member State to hold a Licensee accountable, 44  
even where that Licensee holds a Multistate License; 45

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

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

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

**ARTICLE 2- DEFINITIONS**

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

A. "Active Military Member" - any person with full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

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

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

D. "Authorization to Practice" - a legal authorization by a Remote State pursuant to a Multistate License permitting the Practice of Massage Therapy in that Remote State, which shall be subject to the enforcement jurisdiction of the Licensing Authority in that Remote State.	74 75 76 77 78
E. "Background Check" - the submission of an applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau of Investigation and the agency responsible for retaining State criminal records in the applicant's Home State.	79 80 81 82 83
F. "Charter Member States" - Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article 12.	84 85 86 87
G. "Commission" - the government agency whose membership consists of all States that have enacted this Compact, which is known as the Interstate Massage Compact Commission, as defined in Article 8, and which shall operate as an instrumentality of the Member States.	88 89 90 91 92
H. "Continuing Competence" - a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational or professional activities that maintain, improve, or enhance Massage Therapy fitness to practice.	93 94 95 96 97
I. "Current Significant Investigative Information" - Investigative Information that a Licensing Authority, after an inquiry or investigation that complies with a Member State's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that State's	98 99 100 101 102

laws regarding the Practice of Massage Therapy.	103
J. "Data System" - a repository of information about Licensees	104
who hold Multistate Licenses which may include but is not	105
limited to license status, Investigative Information, and	106
Adverse Actions.	107
K. "Disqualifying Event" - any event which shall disqualify an	108
individual from holding a Multistate License under this Compact,	109
which the Commission may by Rule specify.	110
L. "Encumbrance" - a revocation or suspension of, or any	111
limitation or condition on, the full and unrestricted Practice	112
of Massage Therapy by a Licensing Authority.	113
M. "Executive Committee" - a group of delegates elected or	114
appointed to act on behalf of, and within the powers granted to	115
them by, the Commission.	116
N. "Home State" - means the Member State which is a Licensee's	117
primary state of residence where the Licensee holds an active	118
Single-State License.	119
O. "Investigative Information" - information, records, or	120
documents received or generated by a Licensing Authority	121
pursuant to an investigation or other inquiry.	122
P. "Licensing Authority" - a State's regulatory body responsible	123
for issuing Massage Therapy licenses or otherwise overseeing the	124
Practice of Massage Therapy in that State.	125
Q. "Licensee" - an individual who currently holds a license from	126
a Member State to fully practice Massage Therapy, whose license	127
is not a student, provisional, temporary, inactive, or other	128
similar status.	129
R. "Massage Therapy", "Massage Therapy Services", and the	130

"Practice of Massage Therapy" - the care and services provided	131
by a Licensee as set forth in the Member State's statutes and	132
regulations in the State where the services are being provided.	133
S. "Member State" - any State that has adopted this Compact.	134
T. "Multistate License" - a license that consists of	135
Authorizations to Practice Massage Therapy in all Remote States	136
pursuant to this Compact, which shall be subject to the	137
enforcement jurisdiction of the Licensing Authority in a	138
Licensee's Home State.	139
<del>U. "National Licensing Examination" - A national examination-</del>	140
<del>developed by a national association of Massage Therapy-</del>	141
<del>regulatory boards, as defined by Commission Rule, that is-</del>	142
<del>derived from a practice analysis and is consistent with-</del>	143
<del>generally accepted psychometric principles of fairness, validity</del>	144
<del>and reliability, and is administered under secure and-</del>	145
<del>confidential examination protocols.</del>	146
<del>V. "Remote State" - any Member State, other than the Licensee's</del>	147
<del>Home State.</del>	148
<del>W.V. "Rule" - any opinion or regulation promulgated by the</del>	149
<del>Commission under this Compact, which shall have the force of</del>	150
<del>law.</del>	151
<del>X.W. "Single-State License" - a current, valid authorization</del>	152
<del>issued by a Member State's Licensing Authority allowing an</del>	153
<del>individual to fully practice Massage Therapy, that is not a</del>	154
<del>restricted, student, provisional, temporary, or inactive</del>	155
<del>practice authorization and authorizes practice only within the</del>	156
<del>issuing State.</del>	157
<del>Y.X. "State" - a state, territory, possession of the United</del>	158
<del>States, or the District of Columbia.</del>	159

<b>ARTICLE 3- MEMBER STATE REQUIREMENTS</b>	160
A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a State must:	161
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1. License and regulate the Practice of Massage Therapy;	163
2. Have a mechanism or entity in place to receive and investigate complaints from the public, regulatory or law enforcement agencies, or the Commission about Licensees practicing in that State;	164
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3. <del>Accept passage of a National Licensing Examination as a criterion for Massage Therapy licensure in that State;</del> <u>Accept passage of a psychometrically valid national examination as a criterion for Massage Therapy licensure in that State; For purposes of this compact, such examination shall not include a State-administered examination but shall be inclusive of the following:</u>	168
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a. <u>The Massage and Bodywork Licensure Examination; or</u>	175
b. <u>The National Certification Board for Therapeutic Massage &amp; Bodywork prior to January 1, 2015; or</u>	176
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c. <u>The substantial equivalent of the foregoing which the Commission may approve by Rule.</u>	178
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4. Require that Licensees satisfy educational requirements prior to being licensed to provide Massage Therapy Services to the public in that State;	180
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5. Implement procedures for requiring the Background Check of applicants for a Multistate License, and for the reporting of any Disqualifying Events, including but not limited to obtaining and submitting, for each Licensee holding a Multistate License and each applicant for a Multistate License, fingerprint or	183
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other biometric-based information to the Federal Bureau of	188
Investigation for Background Checks; receiving the results of	189
the Federal Bureau of Investigation record search on Background	190
Checks and considering the results of such a Background Check in	191
making licensure decisions;	192
6. Have Continuing Competence requirements as a condition	193
for license renewal;	194
7. Participate in the Data System, including through the	195
use of unique identifying numbers as described herein;	196
8. Notify the Commission and other Member States, in	197
compliance with the terms of the Compact and Rules of the	198
Commission, of any disciplinary action taken by the State	199
against a Licensee practicing under a Multistate License in that	200
State, or of the existence of Investigative Information or	201
Current Significant Investigative Information regarding a	202
Licensee practicing in that State pursuant to a Multistate	203
License;	204
9. Comply with the Rules of the Commission;	205
10. Accept Licensees with valid Multistate Licenses from	206
other Member States as established herein;	207
B. Individuals not residing in a Member State shall continue to	208
be able to apply for a Member State's Single-State License as	209
provided under the laws of each Member State. However, the	210
Single-State License granted to those individuals shall not be	211
recognized as granting a Multistate License for Massage Therapy	212
in any other Member State;	213
C. Nothing in this Compact shall affect the requirements	214
established by a Member State for the issuance of a Single-State	215
License; and	216

D. A Multistate License issued to a Licensee shall be recognized 217  
by each Remote State as an Authorization to Practice Massage 218  
Therapy in each Remote State. 219

**ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS** 220

A. To qualify for a Multistate License under this Compact, and 221  
to maintain eligibility for such a license, an applicant must: 222

1. Hold an active Single-State License to practice Massage 223  
therapy in the applicant's Home State; 224

~~2. Have completed at least six hundred and twenty-five~~ 225  
~~(625) clock hours of Massage Therapy education or the~~ 226  
~~substantial equivalent which the Commission may approve by~~ 227  
~~Rule~~Satisfy one of the following: 228

a. Completion of at least six hundred and twenty-five 229  
(625) clock hours of Massage Therapy education; or 230

b. Graduation from an educational program that meets the 231  
minimum qualifications for licensure in the home state and two 232  
(2) years of continuous licensure with a Single-State License in 233  
good standing in the Home State (except as provided in Article 234  
7); or 235

c. Satisfaction of the substantial equivalent of the 236  
foregoing which the Commission may approve by Rule. 237

~~3. Have passed a National Licensing Examination or the~~ 238  
~~substantial equivalent which the Commission may approve by~~ 239  
~~Rule~~Successfully pass a psychometrically valid national 240  
examination for licensure. For purposes of this compact, such 241  
examination shall not include a State-administered examination 242  
but shall be inclusive of the following: 243

a. The Massage and Bodywork Licensure Examination; or 244

<u>b. The National Certification Board for Therapeutic</u>	245
<u>Massage &amp; Bodywork licensure examination prior to January 1,</u>	246
<u>2015; or</u>	247
<u>c. The substantial equivalent of the foregoing which the</u>	248
<u>Commission may approve by Rule.</u>	249
4. Submit to a Background Check;	250
5. Have not been convicted or found guilty, or have	251
entered into an agreed disposition, of a felony offense under	252
applicable State or federal criminal law, within five (5) years	253
prior to the date of their application, where such a time period	254
shall not include any time served for the offense, and provided	255
that the applicant has completed any and all requirements	256
arising as a result of any such offense;	257
6. Have not been convicted or found guilty, or have	258
entered into an agreed disposition, of a misdemeanor offense	259
related to the Practice of Massage Therapy under applicable	260
State or federal criminal law, within two (2) years prior to the	261
date of their application where such a time period shall not	262
include any time served for the offense, and provided that the	263
applicant has completed any and all requirements arising as a	264
result of any such offense;	265
7. Have not been convicted or found guilty, or have	266
entered into an agreed disposition, of any offense, whether a	267
misdemeanor or a felony, under State or federal law, at any	268
time, relating to any of the following:	269
a. Kidnapping;	270
b. Human trafficking;	271
c. Human smuggling;	272

d. Sexual battery, sexual assault, or any related offenses; or	273 274
e. Any other category of offense which the Commission may by Rule designate.	275 276
8. Have not previously held a Massage Therapy license which was revoked by, or surrendered in lieu of discipline to an applicable Licensing Authority;	277 278 279
9. Have no history of any Adverse Action on any occupational or professional license within two (2) years prior to the date of their application; and	280 281 282
10. Pay all required fees.	283
B. A Multistate License granted pursuant to this Compact may be effective for a definite period of time concurrent with the renewal of the Home State license.	284 285 286
C. A Licensee practicing in a Member State is subject to all scope of practice laws governing Massage Therapy Services in that State.	287 288 289
D. The Practice of Massage Therapy under a Multistate License granted pursuant to this Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts, and the laws of the Member State in which the Massage Therapy Services are provided.	290 291 292 293 294
<b>ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES</b>	295 296
A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the Practice of Massage	297 298 299 300

Therapy in that State, where those laws, regulations, or other	301
rules are not inconsistent with the provisions of this Compact.	302
B. Nothing in this Compact, nor any Rule of the Commission,	303
shall be construed to limit, restrict, or in any way reduce the	304
ability of a Member State to take Adverse Action against a	305
Licensee's Single-State License to practice Massage Therapy in	306
that State.	307
C. Nothing in this Compact, nor any Rule of the Commission,	308
shall be construed to limit, restrict, or in any way reduce the	309
ability of a Remote State to take Adverse Action against a	310
Licensee's Authorization to Practice in that State.	311
D. Nothing in this Compact, nor any Rule of the Commission,	312
shall be construed to limit, restrict, or in any way reduce the	313
ability of a Licensee's Home State to take Adverse Action	314
against a Licensee's Multistate License based upon information	315
provided by a Remote State.	316
E. Insofar as practical, a Member State's Licensing Authority	317
shall cooperate with the Commission and with each entity	318
exercising independent regulatory authority over the Practice of	319
Massage Therapy according to the provisions of this Compact.	320
<b>ARTICLE 6- ADVERSE ACTIONS</b>	321
A. A Licensee's Home State shall have exclusive power to impose	322
an Adverse Action against a Licensee's Multistate License issued	323
by the Home State.	324
B. A Home State may take Adverse Action on a Multistate License	325
based on the Investigative Information, Current Significant	326
Investigative Information, or Adverse Action of a Remote State.	327
C. A Home State shall retain authority to complete any pending	328

investigations of a Licensee practicing under a Multistate License who changes their Home State during the course of such an investigation. The Licensing Authority shall also be empowered to report the results of such an investigation to the Commission through the Data System as described herein.	329 330 331 332 333
D. Any Member State may investigate actual or alleged violations of the scope of practice laws in any other Member State for a massage therapist who holds a Multistate License.	334 335 336
E. A Remote State shall have the authority to:	337
1. Take Adverse Actions against a Licensee's Authorization to Practice;	338 339
2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization to Practice in that State.	340 341
3. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.	342 343 344 345 346 347 348 349 350 351 352 353
4. If otherwise permitted by State law, recover from the affected Licensee the costs of investigations and disposition of cases resulting from any Adverse Action taken against that Licensee.	354 355 356 357

5. Take Adverse Action against the Licensee's	358
Authorization to Practice in that State based on the factual	359
findings of another Member State.	360
F. If an Adverse Action is taken by the Home State against a	361
Licensee's Multistate License or Single-State License to	362
practice in the Home State, the Licensee's Authorization to	363
Practice in all other Member States shall be deactivated until	364
all Encumbrances have been removed from such license. All Home	365
State disciplinary orders that impose an Adverse Action against	366
a Licensee shall include a statement that the Massage	367
Therapist's Authorization to Practice is deactivated in all	368
Member States during the pendency of the order.	369
G. If Adverse Action is taken by a Remote State against a	370
Licensee's Authorization to Practice, that Adverse Action	371
applies to all Authorizations to Practice in all Remote States.	372
A Licensee whose Authorization to Practice in a Remote State is	373
removed for a specified period of time is not eligible to apply	374
for a new Multistate License in any other State until the	375
specific time for removal of the Authorization to Practice has	376
passed and all encumbrance requirements are satisfied.	377
H. Nothing in this Compact shall override a Member State's	378
authority to accept a Licensee's participation in an Alternative	379
Program in lieu of Adverse Action. A Licensee's Multistate	380
License shall be suspended for the duration of the Licensee's	381
participation in any Alternative Program.	382
I. Joint Investigations	383
1. In addition to the authority granted to a Member State	384
by its respective scope of practice laws or other applicable	385
State law, a Member State may participate with other Member	386

States in joint investigations of Licensees.	387
2. Member States shall share any investigative,	388
litigation, or compliance materials in furtherance of any joint	389
or individual investigation initiated under the Compact.	390
<b>ARTICLE 7- ACTIVE MILITARY MEMBER AND THEIR SPOUSES</b>	391
Active Military Member, or their spouses, shall designate a Home	392
State where the individual has a current license to practice	393
Massage Therapy in good standing. The individual may retain	394
their Home State designation during any period of service when	395
that individual or their spouse is on active duty assignment._	396
<u>Further, Active Military Members or their spouses shall satisfy</u>	397
<u>the requirements of Article 4.A.2. by successful graduation from</u>	398
<u>an educational program that meets the minimum qualifications for</u>	399
<u>licensure in the designated Home State.</u>	400
<b>ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE</b>	401
<b>COMPACT COMMISSION</b>	402
A. The Compact Member States hereby create and establish a joint	403
government agency whose membership consists of all Member States	404
that have enacted the Compact known as the Interstate Massage	405
Compact Commission. The Commission is an instrumentality of the	406
Compact States acting jointly and not an instrumentality of any	407
one State. The Commission shall come into existence on or after	408
the effective date of the Compact as set forth in Article 12.	409
B. Membership, Voting, and Meetings	410
1. Each Member State shall have and be limited to one (1)	411
delegate selected by that Member State's State Licensing	412
Authority.	413
2. The delegate shall be <del>the</del> <u>either</u> :	414

<u>a. A member of the State Licensing Authority; or</u>	415
<u>b. The primary administrative officer of the State</u>	416
Licensing Authority or their designee.	417
3. The Commission shall by Rule or bylaw establish a term	418
of office for delegates and may by Rule or bylaw establish term	419
limits.	420
4. The Commission may recommend removal or suspension of	421
any delegate from office.	422
5. A Member State's State Licensing Authority shall fill	423
any vacancy of its delegate occurring on the Commission within	424
60 days of the vacancy.	425
6. Each delegate shall be entitled to one vote on all	426
matters that are voted on by the Commission.	427
7. The Commission shall meet at least once during each	428
calendar year. Additional meetings may be held as set forth in	429
the bylaws. The Commission may meet by telecommunication, video	430
conference or other similar electronic means.	431
C. The Commission shall have the following powers:	432
1. Establish the fiscal year of the Commission;	433
2. Establish code of conduct and conflict of interest	434
policies;	435
3. Adopt Rules and bylaws;	436
4. Maintain its financial records in accordance with the	437
bylaws;	438
5. Meet and take such actions as are consistent with the	439
provisions of this Compact, the Commission's Rules, and the	440
bylaws;	441

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Authority to sue or be sued under applicable law shall not be affected;
7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;
8. Purchase and maintain insurance and bonds;
9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;
10. Conduct an annual financial review;
11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
12. Assess and collect fees;
13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;
14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
15. Sell, convey, mortgage, pledge, lease, exchange,

abandon, or otherwise dispose of any property real, personal, or mixed;	470 471
16. Establish a budget and make expenditures;	472
17. Borrow money;	473
18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;	474 475 476 477 478
19. <u>The Commission may elect up to two ex-officio, nonvoting members of the Commission as specified in the Commission's bylaws;</u>	479 480 481
<u>20.</u> Accept and transmit complaints from the public, regulatory or law enforcement agencies, or the Commission, to the relevant Member State(s) regarding potential misconduct of Licensees;	482 483 484 485
<del>20,21.</del> Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the Commission as provided in the Commission's bylaws;	486 487 488
<del>21,22.</del> Establish and elect an Executive Committee, including a chair and a vice chair;	489 490
<del>22,23.</del> Adopt and provide to the Member States an annual report.	491 492
<del>23,24.</del> Determine whether a State's adopted language is materially different from the model Compact language such that the State would not qualify for participation in the Compact; and	493 494 495 496

<del>24</del> -25. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.	497 498
D. The Executive Committee	499
1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:	500 501 502 503
a. Overseeing the day-to-day activities of the administration of the Compact including compliance with the provisions of the Compact, the Commission's Rules and bylaws, and other such duties as deemed necessary;	504 505 506 507
b. Recommending to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;	508 509 510 511
c. Ensuring Compact administration services are appropriately provided, including by contract;	512 513
d. Preparing and recommending the budget;	514
e. Maintaining financial records on behalf of the Commission;	515 516
f. Monitoring Compact compliance of Member States and providing compliance reports to the Commission;	517 518
g. Establishing additional committees as necessary;	519
h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by	520 521 522 523

Rule or bylaw; and	524
i. Other duties as provided in the Rules or bylaws of the Commission.	525 526
2. The Executive Committee shall be composed of seven voting members and up to two ex-officio members as follows:	527 528
a. The chair and vice chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee; and	529 530 531 532
b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect three voting members from the current membership of the Commission.	533 534 535
<del>c. The Commission may elect ex-officio, nonvoting members as necessary as follows:</del>	536 537
<del>i. One ex-officio member who is a representative of the national association of State Massage Therapy regulatory boards</del>	538 539
<del>ii. One ex-officio member as specified in the Commission's bylaws.</del>	540 541
3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.	542 543
4. The Executive Committee shall meet at least annually.	544
a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under subsection F.4.	545 546 547 548
b. The Executive Committee shall give five business days advance notice of its public meetings, posted on its website and	549 550

as determined to provide notice to persons with an interest in 551  
the public matters the Executive Committee intends to address at 552  
those meetings. 553

5. The Executive Committee may hold an emergency meeting 554  
when acting for the Commission to: 555

a. Meet an imminent threat to public health, safety, or 556  
welfare; 557

b. Prevent a loss of Commission or Participating State 558  
funds; or 559

c. Protect public health and safety. 560

E. The Commission shall adopt and provide to the Member States 561  
an annual report. 562

F. Meetings of the Commission 563

1. All meetings of the Commission that are not closed 564  
pursuant to this subsection shall be open to the public. Notice 565  
of public meetings shall be posted on the Commission's website 566  
at least thirty (30) days prior to the public meeting. 567

2. Notwithstanding subsection F.1 of this Article, the 568  
Commission may convene an emergency public meeting by providing 569  
at least twenty-four (24) hours prior notice on the Commission's 570  
website, and any other means as provided in the Commission's 571  
Rules, for any of the reasons it may dispense with notice of 572  
proposed rulemaking under Article 10.L. The Commission's legal 573  
counsel shall certify the that one of the reasons justifying an 574  
emergency public meeting has been met. 575

3. Notice of all Commission meetings shall provide the 576  
time, date, and location of the meeting, and if the meeting is 577  
to be held or accessible via telecommunication, video 578

conference, or other electronic means, the notice shall include	579
the mechanism for access to the meeting.	580
4. The Commission may convene in a closed, non-public	581
meeting for the Commission to discuss:	582
a. Non-compliance of a Member State with its obligations	583
under the Compact;	584
b. The employment, compensation, discipline or other	585
matters, practices or procedures related to specific employees	586
or other matters related to the Commission's internal personnel	587
practices and procedures;	588
c. Current or threatened discipline of a Licensee by the	589
Commission or by a Member State's Licensing Authority;	590
d. Current, threatened, or reasonably anticipated	591
litigation;	592
e. Negotiation of contracts for the purchase, lease, or	593
sale of goods, services, or real estate;	594
f. Accusing any person of a crime or formally censuring	595
any person;	596
g. Trade secrets or commercial or financial information	597
that is privileged or confidential;	598
h. Information of a personal nature where disclosure would	599
constitute a clearly unwarranted invasion of personal privacy;	600
i. Investigative records compiled for law enforcement	601
purposes;	602
j. Information related to any investigative reports	603
prepared by or on behalf of or for use of the Commission or	604
other committee charged with responsibility of investigation or	605

determination of compliance issues pursuant to the Compact;	606
k. Legal advice;	607
l. Matters specifically exempted from disclosure to the public by federal or Member State law; or	608 609
m. Other matters as promulgated by the Commission by Rule.	610
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.	611 612 613 614
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 of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.	615 616 617 618 619 620 621 622 623
G. Financing of the Commission	624
1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.	625 626 627
2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.	628 629 630
3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover	631 632 633

the cost of the operations and activities of the Commission and 634  
its staff, which must be in a total amount sufficient to cover 635  
its annual budget as approved each year for which revenue is not 636  
provided by other sources. The aggregate annual assessment 637  
amount for Member states shall be allocated based upon a formula 638  
that the Commission shall promulgate by Rule. 639

4. The Commission shall not incur obligations of any kind 640  
prior to securing the funds adequate to meet the same; nor shall 641  
the Commission pledge the credit of any Member States, except by 642  
and with the authority of the Member State. 643

5. The Commission shall keep accurate accounts of all 644  
receipts and disbursements. The receipts and disbursements of 645  
the Commission shall be subject to the financial review and 646  
accounting procedures established under its bylaws. All receipts 647  
and disbursements of funds handled by the Commission shall be 648  
subject to an annual financial review by a certified or licensed 649  
public accountant, and the report of the financial review shall 650  
be included in and become part of the annual report of the 651  
Commission. 652

H. Qualified Immunity, Defense, and Indemnification 653

1. The members, officers, executive director, employees 654  
and representatives of the Commission shall be immune from suit 655  
and liability, both personally and in their official capacity, 656  
for any claim for damage to or loss of property or personal 657  
injury or other civil liability caused by or arising out of any 658  
actual or alleged act, error, or omission that occurred, or that 659  
the person against whom the claim is made had a reasonable basis 660  
for believing occurred within the scope of Commission 661  
employment, duties or responsibilities; provided that nothing in 662  
this paragraph shall be construed to protect any such person 663

from suit or liability for any damage, loss, injury, or 664  
liability caused by the intentional or willful or wanton 665  
misconduct of that person. The procurement of insurance of any 666  
type by the Commission shall not in any way compromise or limit 667  
the immunity granted hereunder. 668

2. The Commission shall defend any member, officer, 669  
executive director, employee, and representative of the 670  
Commission in any civil action seeking to impose liability 671  
arising out of any actual or alleged act, error, or omission 672  
that occurred within the scope of Commission employment, duties, 673  
or responsibilities, or as determined by the Commission that the 674  
person against whom the claim is made had a reasonable basis for 675  
believing occurred within the scope of Commission employment, 676  
duties, or responsibilities; provided that nothing herein shall 677  
be construed to prohibit that person from retaining their own 678  
counsel at their own expense; and provided further, that the 679  
actual or alleged act, error, or omission did not result from 680  
that person's intentional or willful or wanton misconduct. 681

3. The Commission shall indemnify and hold harmless any 682  
member, officer, executive director, employee, and 683  
representative of the Commission for the amount of any 684  
settlement or judgment obtained against that person arising out 685  
of any actual or alleged act, error, or omission that occurred 686  
within the scope of Commission employment, duties, or 687  
responsibilities, or that such person had a reasonable basis for 688  
believing occurred within the scope of Commission employment, 689  
duties, or responsibilities, provided that the actual or alleged 690  
act, error, or omission did not result from the intentional or 691  
willful or wanton misconduct of that person. 692

4. Nothing herein shall be construed as a limitation on 693

the liability of any Licensee for professional malpractice or 694  
misconduct, which shall be governed solely by any other 695  
applicable State laws. 696

5. Nothing in this Compact shall be interpreted to waive 697  
or otherwise abrogate a Member State's State action immunity or 698  
State action affirmative defense with respect to antitrust 699  
claims under the Sherman Act, Clayton Act, or any other State or 700  
federal antitrust or anticompetitive law or regulation. 701

6. Nothing in this Compact shall be construed to be a 702  
waiver of sovereign immunity by the Member States or by the 703  
Commission. 704

**ARTICLE 9- DATA SYSTEM** 705

A. The Commission shall provide for the development, 706  
maintenance, operation, and utilization of a coordinated 707  
database and reporting system. 708

B. The Commission shall assign each applicant for a Multistate 709  
License a unique identifier, as determined by the Rules of the 710  
Commission. 711

C. Notwithstanding any other provision of State law to the 712  
contrary, a Member State shall submit a uniform data set to the 713  
Data System on all individuals to whom this Compact is 714  
applicable as required by the Rules of the Commission, 715  
including: 716

1. Identifying information; 717

2. Licensure data; 718

3. Adverse Actions against a license and information 719  
related thereto; 720

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation;	721 722 723 724
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);	725 726 727
6. The existence of Investigative Information;	728
7. The existence presence of Current Significant Investigative Information; and	729 730
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.	731 732 733
D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.	734 735 736 737 738 739 740
E. The existence of Current Significant Investigative Information and the existence of Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.	741 742 743 744
F. It is the responsibility of the Member States to report any Adverse Action against a Licensee who holds a Multistate License and to monitor the database to determine whether Adverse Action has been taken against such a Licensee or License applicant. Adverse Action information pertaining to a Licensee or License	745 746 747 748 749

applicant in any Member State will be available to any other 750  
Member State. 751

G. Member States contributing information to the Data System may 752  
designate information that may not be shared with the public 753  
without the express permission of the contributing State. 754

H. Any information submitted to the Data System that is 755  
subsequently expunged pursuant to federal law or the laws of the 756  
Member State contributing the information shall be removed from 757  
the Data System. 758

**ARTICLE 10- RULEMAKING** 759

A. The Commission shall promulgate reasonable Rules in order to 760  
effectively and efficiently implement and administer the 761  
purposes and provisions of the Compact. A Rule shall be invalid 762  
and have no force or effect only if a court of competent 763  
jurisdiction holds that the Rule is invalid because the 764  
Commission exercised its rulemaking authority in a manner that 765  
is beyond the scope and purposes of the Compact, or the powers 766  
granted hereunder, or based upon another applicable standard of 767  
review. 768

B. The Rules of the Commission shall have the force of law in 769  
each Member State, provided however that where the Rules of the 770  
Commission conflict with the laws of the Member State that 771  
establish the Member State's scope of practice as held by a 772  
court of competent jurisdiction, the Rules of the Commission 773  
shall be ineffective in that State to the extent of the 774  
conflict. 775

C. The Commission shall exercise its Rulemaking powers pursuant 776  
to the criteria set forth in this article and the Rules adopted 777  
thereunder. Rules shall become binding as of the date specified 778

by the Commission for each Rule.	779
D. If a majority of the legislatures of the Member States	780
rejects a Rule or portion of a Rule, by enactment of a statute	781
or resolution in the same manner used to adopt the Compact	782
within four (4) years of the date of adoption of the Rule, then	783
such Rule shall have no further force and effect in any Member	784
State or to any State applying to participate in the Compact.	785
E. Rules shall be adopted at a regular or special meeting of the	786
Commission.	787
F. Prior to adoption of a proposed Rule, the Commission shall	788
hold a public hearing and allow persons to provide oral and	789
written comments, data, facts, opinions, and arguments.	790
G. Prior to adoption of a proposed Rule by the Commission, and	791
at least thirty (30) days in advance of the meeting at which the	792
Commission will hold a public hearing on the proposed Rule, the	793
Commission shall provide a Notice of Proposed Rulemaking:	794
1. On the website of the Commission or other publicly	795
accessible platform;	796
2. To persons who have requested notice of the	797
Commission's notices of proposed rulemaking, and	798
3. In such other way(s) as the Commission may by Rule	799
specify.	800
H. The Notice of Proposed Rulemaking shall include:	801
1. The time, date, and location of the public hearing at	802
which the Commission will hear public comments on the proposed	803
Rule and, if different, the time, date, and location of the	804
meeting where the Commission will consider and vote on the	805
proposed Rule;	806

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;	807 808 809 810
3. The text of the proposed Rule and the reason therefor;	811
4. A request for comments on the proposed Rule from any interested person; and	812 813
5. The manner in which interested persons may submit written comments.	814 815
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.	816 817 818
J. Nothing in this article shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.	819 820 821 822
K. The Commission shall, by majority vote of all Commissioners, take final action on the proposed Rule based on the Rulemaking record.	823 824 825
1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.	826 827 828
2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.	829 830 831 832
3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in	833 834

subsection L, the effective date of the Rule shall be no sooner 835  
than thirty (30) days after the Commission issuing the notice 836  
that it adopted or amended the Rule. 837

L. Upon determination that an emergency exists, the Commission 838  
may consider and adopt an emergency Rule with 24 hours notice, 839  
provided that the usual Rulemaking procedures provided in the 840  
Compact and in this article shall be retroactively applied to 841  
the Rule as soon as reasonably possible, in no event later than 842  
ninety (90) days after the effective date of the Rule. For the 843  
purposes of this provision, an emergency Rule is one that must 844  
be adopted immediately to: 845

1. Meet an imminent threat to public health, safety, or 846  
welfare; 847

2. Prevent a loss of Commission or Member State funds; 848

3. Meet a deadline for the promulgation of a Rule that is 849  
established by federal law or rule; or 850

4. Protect public health and safety. 851

M. The Commission or an authorized committee of the Commission 852  
may direct revisions to a previously adopted Rule for purposes 853  
of correcting typographical errors, errors in format, errors in 854  
consistency, or grammatical errors. Public notice of any 855  
revisions shall be posted on the website of the Commission. The 856  
revision shall be subject to challenge by any person for a 857  
period of thirty (30) days after posting. The revision may be 858  
challenged only on grounds that the revision results in a 859  
material change to a Rule. A challenge shall be made in writing 860  
and delivered to the Commission prior to the end of the notice 861  
period. If no challenge is made, the revision will take effect 862  
without further action. If the revision is challenged, the 863

revision may not take effect without the approval of the Commission.	864 865
N. No Member State's rulemaking requirements shall apply under this Compact.	866 867
<b>ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT</b>	868
A. Oversight	869
1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.	870 871 872
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct or any such similar matter.	873 874 875 876 877 878 879 880 881
3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.	882 883 884 885 886 887 888
B. Default, Technical Assistance, and Termination	889
1. If the Commission determines that a Member State has defaulted in the performance of its obligations or	890 891

responsibilities under this Compact or the promulgated Rules, 892  
the Commission shall provide written notice to the defaulting 893  
State. The notice of default shall describe the default, the 894  
proposed means of curing the default, and any other action that 895  
the Commission may take, and shall offer training and specific 896  
technical assistance regarding the default. 897

2. The Commission shall provide a copy of the notice of 898  
default to the other Member States. 899

C. If a State in default fails to cure the default, the 900  
defaulting State may be terminated from the Compact upon an 901  
affirmative vote of a majority of the delegates of the Member 902  
States, and all rights, privileges and benefits conferred on 903  
that State by this Compact may be terminated on the effective 904  
date of termination. A cure of the default does not relieve the 905  
offending State of obligations or liabilities incurred during 906  
the period of default. 907

D. Termination of membership in the Compact shall be imposed 908  
only after all other means of securing compliance have been 909  
exhausted. Notice of intent to suspend or terminate shall be 910  
given by the Commission to the governor, the majority and 911  
minority leaders of the defaulting State's legislature, the 912  
defaulting State's State Licensing Authority and each of the 913  
Member States' State Licensing Authority. 914

E. A State that has been terminated is responsible for all 915  
assessments, obligations, and liabilities incurred through the 916  
effective date of termination, including obligations that extend 917  
beyond the effective date of termination. 918

F. Upon the termination of a State's membership from this 919  
Compact, that State shall immediately provide notice to all 920

Licensees who hold a Multistate License within that State of 921  
such termination. The terminated State shall continue to 922  
recognize all licenses granted pursuant to this Compact for a 923  
minimum of one hundred eighty (180) days after the date of said 924  
notice of termination. 925

G. The Commission shall not bear any costs related to a State 926  
that is found to be in default or that has been terminated from 927  
the Compact, unless agreed upon in writing between the 928  
Commission and the defaulting State. 929

H. The defaulting State may appeal the action of the Commission 930  
by petitioning the U.S. District Court for the District of 931  
Columbia or the federal district where the Commission has its 932  
principal offices. The prevailing party shall be awarded all 933  
costs of such litigation, including reasonable attorney's fees. 934

I. Dispute Resolution 935

1. Upon request by a Member State, the Commission shall 936  
attempt to resolve disputes related to the Compact that arise 937  
among Member States and between Member and non-Member States. 938

2. The Commission shall promulgate a Rule providing for 939  
both mediation and binding dispute resolution for disputes as 940  
appropriate. 941

J. Enforcement 942

1. The Commission, in the reasonable exercise of its 943  
discretion, shall enforce the provisions of this Compact and the 944  
Commission's Rules. 945

2. By majority vote as provided by Commission Rule, the 946  
Commission may initiate legal action against a Member State in 947  
default in the United States District Court for the District of 948

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.

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 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

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

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

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

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

a. A Charter Member State whose enactment is found to be	978
materially different from the model Compact statute shall be	979
entitled to the default process set forth in Article 11.	980
b. If any Member State is later found to be in default, or	981
is terminated or withdraws from the Compact, the Commission	982
shall remain in existence and the Compact shall remain in effect	983
even if the number of Member States should be less than seven	984
(7).	985
2. Member States enacting the Compact subsequent to the	986
Charter Member States shall be subject to the process set forth	987
in Article 8.C.23 to determine if their enactments are	988
materially different from the model Compact statute and whether	989
they qualify for participation in the Compact.	990
3. All actions taken for the benefit of the Commission or	991
in furtherance of the purposes of the administration of the	992
Compact prior to the effective date of the Compact or the	993
Commission coming into existence shall be considered to be	994
actions of the Commission unless specifically repudiated by the	995
Commission.	996
4. Any State that joins the Compact shall be subject to	997
the Commission's Rules and bylaws as they exist on the date on	998
which the Compact becomes law in that State. Any Rule that has	999
been previously adopted by the Commission shall have the full	1000
force and effect of law on the day the Compact becomes law in	1001
that State.	1002
B. Any Member State may withdraw from this Compact by enacting a	1003
statute repealing that State's enactment of the Compact.	1004
1. A Member State's withdrawal shall not take effect until	1005
one hundred eighty (180) days after enactment of the repealing	1006

statute. 1007

2. Withdrawal shall not affect the continuing requirement 1008  
of the withdrawing State's Licensing Authority to comply with 1009  
the investigative and Adverse Action reporting requirements of 1010  
this Compact prior to the effective date of withdrawal. 1011

3. Upon the enactment of a statute withdrawing from this 1012  
Compact, a State shall immediately provide notice of such 1013  
withdrawal to all Licensees within that State. Notwithstanding 1014  
any subsequent statutory enactment to the contrary, such 1015  
withdrawing State shall continue to recognize all licenses 1016  
granted pursuant to this Compact for a minimum of 180 days after 1017  
the date of such notice of withdrawal. 1018

C. Nothing contained in this Compact shall be construed to 1019  
invalidate or prevent any licensure agreement or other 1020  
cooperative arrangement between a Member State and a non-Member 1021  
State that does not conflict with the provisions of this 1022  
Compact. 1023

D. This Compact may be amended by the Member States. No 1024  
amendment to this Compact shall become effective and binding 1025  
upon any Member State until it is enacted into the laws of all 1026  
Member States. 1027

**ARTICLE 13. CONSTRUCTION AND SEVERABILITY** 1028

A. This Compact and the Commission's rulemaking authority shall 1029  
be liberally construed so as to effectuate the purposes, and the 1030  
implementation and administration of the Compact. Provisions of 1031  
the Compact expressly authorizing or requiring the promulgation 1032  
of Rules shall not be construed to limit the Commission's 1033  
rulemaking authority solely for those purposes. 1034

B. The provisions of this Compact shall be severable and if any 1035

phrase, clause, sentence or provision of this Compact is held by 1036  
a court of competent jurisdiction to be contrary to the 1037  
constitution of any Member State, a State seeking participation 1038  
in the Compact, or of the United States, or the applicability 1039  
thereof to any government, agency, person or circumstance is 1040  
held to be unconstitutional by a court of competent 1041  
jurisdiction, the validity of the remainder of this Compact and 1042  
the applicability thereof to any other government, agency, 1043  
person or circumstance shall not be affected thereby. 1044

C. Notwithstanding subsection B of this article, the Commission 1045  
may deny a State's participation in the Compact or, in 1046  
accordance with the requirements of Article 11.B, terminate a 1047  
Member State's participation in the Compact, if it determines 1048  
that a constitutional requirement of a Member State is a 1049  
material departure from the Compact. Otherwise, if this Compact 1050  
shall be held to be contrary to the constitution of any Member 1051  
State, the Compact shall remain in full force and effect as to 1052  
the remaining Member States and in full force and effect as to 1053  
the Member State affected as to all severable matters. 1054

**ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS** 1055

Nothing herein shall prevent or inhibit the enforcement of 1056  
any other law of a Member State that is not inconsistent with 1057  
the Compact. 1058

Any laws, statutes, regulations, or other legal 1059  
requirements in a Member State in conflict with the Compact are 1060  
superseded to the extent of the conflict. 1061

All permissible agreements between the Commission and the 1062  
Member States are binding in accordance with their terms. 1063

Sec. 4731.191. (A) Before a renewal of a license to 1064

practice massage therapy is issued by the board, the licensee 1065  
shall furnish the board with satisfactory evidence that the 1066  
licensee has completed during the current licensing period not 1067  
less than the number of hours of continuing education that the 1068  
board requires in rules adopted under this section. For an 1069  
activity to be applied toward the continuing education 1070  
requirement, the activity must meet the board's approval as a 1071  
continuing education activity, as specified in rules adopted 1072  
under this section. Any exception from the continuing education 1073  
requirement must be approved by the board. 1074

(B) Failure of a licensee to comply with this section 1075  
shall operate as an automatic forfeiture of the right of the 1076  
licensee to practice massage therapy in this state. A forfeited 1077  
license may be reinstated by the board upon payment of all fees 1078  
due and a penalty fee in an amount the board specifies in rules 1079  
adopted under this section for reinstatement, in addition to 1080  
satisfying the board of having complied with the continuing 1081  
education requirements of this section. If an individual's 1082  
license has been forfeited for two or more years, the board may 1083  
also require as a condition of reinstatement that the individual 1084  
complete training or testing as specified by the board. 1085

(C) The board shall adopt any rules it considers necessary 1086  
to implement this section, including standards for approval of 1087  
continuing education in the practice of massage therapy. The 1088  
rules shall be adopted in accordance with Chapter 119. of the 1089  
Revised Code. 1090

**Sec. 4732.42.** The interstate compact for school 1091  
psychologists is hereby ratified, enacted into law, and entered 1092  
into by this state as a party with any other state that has 1093  
legally joined or legally joins the compact, as follows: 1094

<u>Interstate Compact for School Psychologists</u>	1095
<u>SECTION 1. PURPOSE</u>	1096
<u>The purpose of this Compact is to facilitate the</u>	1097
<u>interstate practice of School Psychology in educational or</u>	1098
<u>school settings, and in so doing to improve the availability of</u>	1099
<u>School Psychological Services to the public. This Compact is</u>	1100
<u>intended to establish a pathway to allow School Psychologists to</u>	1101
<u>obtain equivalent licenses to provide School Psychological</u>	1102
<u>Services in any Member State. In this way, this Compact shall</u>	1103
<u>enable the Member States to ensure that safe and effective</u>	1104
<u>School Psychological Services are available and delivered by</u>	1105
<u>appropriately qualified professionals in their educational</u>	1106
<u>settings.</u>	1107
<u>To facilitate the objectives described above, this</u>	1108
<u>Compact:</u>	1109
<u>A. Enables School Psychologists who qualify for receipt of</u>	1110
<u>an Equivalent License to practice in other Member States without</u>	1111
<u>first satisfying burdensome and duplicative requirements;</u>	1112
<u>B. Promotes the mobility of School Psychologists between</u>	1113
<u>and among the Member States in order to address workforce</u>	1114
<u>shortages and to ensure that safe and reliable School</u>	1115
<u>Psychological Services are available in each Member State;</u>	1116
<u>C. Enhances the public accessibility of School</u>	1117
<u>Psychological Services by increasing the availability of</u>	1118
<u>qualified, licensed School Psychologists through the</u>	1119
<u>establishment of an efficient and streamlined pathway for</u>	1120
<u>Licensees to practice in other Member States;</u>	1121
<u>D. Preserves and respects the authority of each Member</u>	1122
<u>State to protect the health and safety of its residents by</u>	1123

ensuring that only qualified, licensed professionals are 1124  
authorized to provide School Psychological Services within that 1125  
State; 1126

E. Requires School Psychologists practicing within a 1127  
Member State to comply with the Scope of Practice laws present 1128  
in the State where the School Psychological Services are being 1129  
provided; 1130

F. Promotes cooperation between the Member States in 1131  
regulating the practice of School Psychology within those 1132  
States; and 1133

G. Facilitates the relocation of military members and 1134  
their spouses who are licensed to provide School Psychological 1135  
Services. 1136

SECTION 2. DEFINITIONS 1137

A. "Active Military Member" means any person with full- 1138  
time duty status in the armed forces of the United States, 1139  
including members of the National Guard and Reserve. 1140

B. "Adverse Action" means disciplinary action or 1141  
encumbrance imposed on a License by a State Licensing Authority. 1142

C. "Alternative Program" means a non-disciplinary, 1143  
prosecutorial diversion, monitoring, or practice remediation 1144  
process entered into in lieu of an Adverse Action which is 1145  
applicable to a School Psychologist and approved by the State 1146  
Licensing Authority of a Member State in which the participating 1147  
School Psychologist is licensed. This includes, but is not 1148  
limited to, programs to which Licensees with substance abuse or 1149  
addiction issues may be referred in lieu of an Adverse Action. 1150

D. "Commissioner" means the individual appointed by a 1151

<u>Member State to serve as the representative to the Commission</u>	1152
<u>for that Member State.</u>	1153
<u>E. "Compact" means this School Psychologist Interstate</u>	1154
<u>Licensure Compact.</u>	1155
<u>F. "Continuing Professional Education" means a</u>	1156
<u>requirement, imposed by a Member State as a condition of License</u>	1157
<u>renewal to provide evidence of successful participation in</u>	1158
<u>professional educational activities relevant to the provision of</u>	1159
<u>School Psychological Services.</u>	1160
<u>G. "Criminal Background Check" means the submission of</u>	1161
<u>fingerprints or other biometric information for a License</u>	1162
<u>applicant for the purpose of obtaining that applicant's criminal</u>	1163
<u>history record information, as defined in 28 C.F.R. 20.3(d), and</u>	1164
<u>the State's criminal history record repository as 81 defined in</u>	1165
<u>28 C.F.R. 20.3(f).</u>	1166
<u>H. "Doctoral Level Degree" means a graduate degree program</u>	1167
<u>that consists of at least ninety graduate semester hours in the</u>	1168
<u>field of School Psychology including a supervised internship.</u>	1169
<u>I. "Encumbered License" means a License that a State</u>	1170
<u>Licensing Authority has limited in any way other than through an</u>	1171
<u>Alternative Program, including temporary or provisional</u>	1172
<u>licenses.</u>	1173
<u>J. "Executive Committee" means the Commission's Chair,</u>	1174
<u>Vice Chair, Secretary and Treasurer and any other Commissioners</u>	1175
<u>as may be determined by Commission Rule or bylaw.</u>	1176
<u>K. "Equivalent License" means a license to practice School</u>	1177
<u>Psychology which a Member State has identified as a license</u>	1178
<u>which may be provided to School Psychologists from other Member</u>	1179
<u>States pursuant to this Compact.</u>	1180

L. "Home State" means the Member State that issued the 1181  
Home State License to the Licensee and is the Licensee's primary 1182  
state of practice. 1183

M. "Home State License" means the License that is not an 1184  
Encumbered License issued by the Home State to provide School 1185  
Psychological Services. 1186

N. "License" means a current license, certification, or 1187  
other authorization granted by a Member State's Licensing 1188  
Authority that permits an individual to provide School 1189  
Psychological Services. 1190

O. "Licensee" means an individual who holds a License from 1191  
a Member State to provide School Psychological Services. 1192

P. "Member State" means a State that has enacted the 1193  
Compact and been admitted to the Commission in accordance with 1194  
the provisions herein and Commission Rules. 1195

Q. "Model Compact" means the model language for the School 1196  
Psychologist Interstate Licensure Compact on file with the 1197  
Council of State Governments or other entity as designated by 1198  
the Commission. 1199

R. "Practice of School Psychology" means the delivery of 1200  
School Psychological Services. 1201

S. "Qualifying National Exam" means a national licensing 1202  
examination endorsed by the National Association of School 1203  
Psychologists and any other exam as approved by the Rules of the 1204  
Commission. 1205

T. "Qualifying School Psychologist Education Program" 1206  
means an education program which awards a Specialist-Level or 1207  
Doctoral-Level degree or equivalent upon completion and is 1208

approved by the Rules of the Commission as meeting the necessary 1209  
minimum educational standards to ensure that its graduates are 1210  
ready, qualified, and able to engage in the Practice of School 1211  
Psychology. 1212

U. "Remote State" means a Member State other than the Home 1213  
State where a Licensee holds a License through the Compact. 1214

V. "Rule" means a regulation promulgated by an entity, 1215  
including but not limited to the Commission and the State 1216  
Licensing Authority of each Member State, that has the force of 1217  
law. 1218

W. "School Psychological Services" means academic, mental 1219  
and behavioral health services including assessment, prevention, 1220  
consultation and collaboration, intervention, and evaluation 1221  
provided by a School Psychologist in a school, as outlined in 1222  
applicable professional standards as determined by Commission 1223  
Rule. 1224

X. "School Psychologist" means an individual who has met 1225  
the requirements to obtain a Home State License that legally 1226  
conveys the professional title of School Psychologist, or its 1227  
equivalent as determined by the Rules of the Commission. 1228

Y. "School Psychologist Interstate Licensure Compact 1229  
Commission" or "Commission" means the joint government agency 1230  
established by this Compact whose membership consists of 1231  
representatives from each Member State that has enacted the 1232  
Compact, and as further described in Section 7. 1233

Z. "Scope of Practice" means the procedures, actions, and 1234  
processes a School Psychologist licensed in a State is permitted 1235  
to undertake in that State and the circumstances under which 1236  
that Licensee is permitted to undertake those procedures, 1237

actions, and processes. Such procedures, actions, and processes, 1238  
and the circumstances under which they may be undertaken, may be 1239  
established through means including, but not limited to, 1240  
statute, regulations, case law, and other processes available to 1241  
the State Licensing Authority or other government agency. 1242

AA. "Specialist-Level Degree" means a degree program that 1243  
requires at least sixty graduate semester hours or equivalent in 1244  
the field of School Psychology including a supervised 1245  
internship. 1246

BB. "State" means any state, commonwealth, district, or 1247  
territory of the United States of America. 1248

CC. "State Licensing Authority" means a Member State's 1249  
regulatory body responsible for issuing Licenses or otherwise 1250  
overseeing the Practice of School Psychology. 1251

DD. "State Specific Requirement" means a requirement for 1252  
licensure covered in coursework or examination that includes 1253  
content of unique interest to the State. 1254

EE. "Unencumbered License" means a License that authorizes 1255  
a Licensee to engage in the full and unrestricted Practice of 1256  
School Psychology. 1257

SECTION 3. STATE PARTICIPATION IN THE COMPACT 1258

A. To be eligible to join this Compact, and to maintain 1259  
eligibility as a Member State, a State must: 1260

1. Enact a compact statute that is not materially 1261  
different from the Model Compact as defined in the Commission's 1262  
Rules; 1263

2. Participate in the sharing of information with other 1264  
Member States as reasonably necessary to accomplish the 1265

<u>objectives of this Compact, and as further defined in Section 8;</u>	1266
<u>3. Identify and maintain with the Commission a list of</u>	1267
<u>Equivalent Licenses available to Licensees who hold a Home State</u>	1268
<u>License under this Compact;</u>	1269
<u>4. Have a mechanism in place for receiving and</u>	1270
<u>investigating complaints about Licensees;</u>	1271
<u>5. Notify the Commission, in compliance with the terms of</u>	1272
<u>the Compact and the Commission's Rules, of any Adverse Action</u>	1273
<u>taken against a Licensee, or of the availability of</u>	1274
<u>investigative information which relates to a Licensee or</u>	1275
<u>applicant for licensure;</u>	1276
<u>6. Require that applicants for a Home State License:</u>	1277
<u>a. Taken and passed a Qualifying National Exam as defined</u>	1278
<u>by the Rules of the Commission;</u>	1279
<u>b. Completed a minimum of one thousand two hundred hours</u>	1280
<u>of supervised internship, of which at least six hundred must</u>	1281
<u>have been completed in a School, prior to being approved for</u>	1282
<u>licensure; and</u>	1283
<u>c. Graduated from a Qualifying School Psychologist</u>	1284
<u>Education Program.</u>	1285
<u>7. Comply with the terms of this Compact and the Rules of</u>	1286
<u>the Commission.</u>	1287
<u>B. Each Member State shall grant an Equivalent License to</u>	1288
<u>practice School Psychology in that state upon application by a</u>	1289
<u>Licensee who satisfies the criteria of Section 4.A. Each Member</u>	1290
<u>State shall grant renewal of the Equivalent License to a</u>	1291
<u>Licensee who satisfies the criteria of Section 4.B.</u>	1292

<u>C. Member States may set and collect a fee for granting an</u>	1293
<u>Equivalent License.</u>	1294
<u>SECTION 4. SCHOOL PSYCHOLOGIST PARTICIPATION IN THE</u>	1295
<u>COMPACT</u>	1296
<u>A. To obtain and maintain an Equivalent License from a</u>	1297
<u>Remote State under this Compact, a Licensee must do all of the</u>	1298
<u>following:</u>	1299
<u>1. Hold and maintain an active Home State License;</u>	1300
<u>2. Satisfy any applicable State Specific Requirements</u>	1301
<u>established by the Member State after an Equivalent License is</u>	1302
<u>granted;</u>	1303
<u>3. Complete any administrative or application requirements</u>	1304
<u>which the Commission may establish by Rule, and pay any</u>	1305
<u>associated fees;</u>	1306
<u>4. Complete any requirements for renewal in the Home</u>	1307
<u>State, including applicable Continuing Professional Education</u>	1308
<u>requirements; and</u>	1309
<u>5. Upon their application to receive a license under this</u>	1310
<u>Compact, undergo a criminal background check in the Member State</u>	1311
<u>in which the Equivalent License is sought in accordance with the</u>	1312
<u>laws and regulations of such Member State.</u>	1313
<u>B. To renew an Equivalent License in a Member State other</u>	1314
<u>than the Home State, a Licensee must only apply for renewal,</u>	1315
<u>complete a background check, and pay renewal fees as determined</u>	1316
<u>by the Licensing Authority.</u>	1317
<u>SECTION 5. ACTIVE MILITARY MEMBERS OR THEIR SPOUSES</u>	1318
<u>A Licensee who is an Active Military Member or is the</u>	1319

<u>spouse of an Active Military Member shall be deemed to hold a</u>	1320
<u>Home State License in any of the following locations:</u>	1321
<u>A. The Licensee's permanent residence;</u>	1322
<u>B. A Member State that is the Licensee's primary State of</u>	1323
<u>Practice; or</u>	1324
<u>C. A Member State where the Licensee has relocated</u>	1325
<u>pursuant to a Permanent Change of Station (PCS).</u>	1326
<u>SECTION 6. DISCIPLINE AND ADVERSE ACTIONS</u>	1327
<u>A. Nothing in this Compact shall be deemed or construed to</u>	1328
<u>limit the authority of a Member State to investigate or impose</u>	1329
<u>disciplinary measures on Licensees according to the State</u>	1330
<u>Practice Laws thereof.</u>	1331
<u>B. Member States shall be authorized to receive, and shall</u>	1332
<u>provide, files and information regarding the investigation and</u>	1333
<u>discipline, if any, of Licensees in other Member States upon</u>	1334
<u>request. Any Member State receiving such information or files</u>	1335
<u>shall protect and maintain the security and confidentiality</u>	1336
<u>thereof, in at least the same manner that it maintains its own</u>	1337
<u>investigatory or disciplinary files and information. Prior to</u>	1338
<u>disclosing any disciplinary or investigatory information</u>	1339
<u>received from another Member State, the disclosing state shall</u>	1340
<u>communicate its intention and purpose for such disclosure to the</u>	1341
<u>Member State which originally provided that information.</u>	1342
<u>SECTION 7. ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST</u>	1343
<u>INTERSTATE LICENSURE COMPACT COMMISSION</u>	1344
<u>A. The Member States hereby create and establish a joint</u>	1345
<u>government agency whose membership consists of all Member States</u>	1346
<u>that have enacted the Compact, and this agency shall be known as</u>	1347

the School Psychologist Interstate Licensure Compact Commission. 1348  
The Commission is an instrumentality of the Member States acting 1349  
jointly and not an instrumentality of any one state. The 1350  
Commission shall come into existence on or after the effective 1351  
date of the Compact as set forth in Section 11. 1352

B. Membership, Voting, and Meetings 1353

1. Each Member State shall have and be limited to one (1) 1354  
delegate selected by that Member State's State Licensing 1355  
Authority. 1356

2. The delegate shall be the primary administrative 1357  
officer of the Member State Licensing Authority or their 1358  
designee who is an employee of the Member State Licensing 1359  
Authority. 1360

3. The Commission shall by Rule or bylaw establish a term 1361  
of office for delegates and may by Rule or bylaw establish term 1362  
limits. 1363

4. The Commission may recommend removal or suspension of 1364  
any delegate from office. 1365

5. A Member State's Licensing Authority shall fill any 1366  
vacancy of its delegate occurring on the Commission within sixty 1367  
days of the vacancy. 1368

6. Each delegate shall be entitled to one vote on all 1369  
matters before the Commission requiring a vote by Commission 1370  
delegates. 1371

7. A delegate shall vote in person or by such other means 1372  
as provided in the bylaws. The bylaws may provide for delegates 1373  
to meet by telecommunication, video conference, or other means 1374  
of communication. 1375

<u>8. The Commission shall meet at least once during each</u>	1376
<u>calendar year. Additional meetings may be held as set forth in</u>	1377
<u>the bylaws. The Commission may meet by telecommunication, video</u>	1378
<u>conference, or other similar electronic means.</u>	1379
<u>C. The Commission shall have the following powers:</u>	1380
<u>1. Establish the fiscal year of the Commission;</u>	1381
<u>2. Establish code of conduct and conflict of interest</u>	1382
<u>policies;</u>	1383
<u>3. Establish and amend Rules and bylaws;</u>	1384
<u>4. Establish the procedure through which a Licensee may</u>	1385
<u>change their Home State;</u>	1386
<u>5. Maintain its financial records in accordance with the</u>	1387
<u>bylaws;</u>	1388
<u>6. Meet and take such actions as are consistent with the</u>	1389
<u>provisions of this Compact, the Commission's Rules, and the</u>	1390
<u>bylaws;</u>	1391
<u>7. Initiate and conclude legal proceedings or actions in</u>	1392
<u>the name of the Commission, provided that the standing of any</u>	1393
<u>Member State Licensing Authority to sue or be sued under</u>	1394
<u>applicable law shall not be affected;</u>	1395
<u>8. Maintain and certify records and information provided</u>	1396
<u>to a Member State as the authenticated business records of the</u>	1397
<u>Commission, and designate an agent to do so on the Commission's</u>	1398
<u>behalf;</u>	1399
<u>9. Purchase and maintain insurance and bonds;</u>	1400
<u>10. Borrow, accept, or contract for services of personnel,</u>	1401
<u>including, but not limited to, employees of a Member State;</u>	1402

<u>11. Conduct an annual financial review;</u>	1403
<u>12. Hire employees, elect or appoint officers, fix</u>	1404
<u>compensation, define duties, grant such individuals appropriate</u>	1405
<u>authority to carry out the purposes of the Compact, and</u>	1406
<u>establish the Commission's personnel policies and programs</u>	1407
<u>relating to conflicts of interest, qualifications of personnel,</u>	1408
<u>and other related personnel matters;</u>	1409
<u>13. Assess and collect fees;</u>	1410
<u>14. Accept any and all appropriate gifts, donations,</u>	1411
<u>grants of money, other sources of revenue, equipment, supplies,</u>	1412
<u>materials, and services, and receive, utilize, and dispose of</u>	1413
<u>the same; provided that at all times the Commission shall avoid</u>	1414
<u>any appearance of impropriety or conflict of interest;</u>	1415
<u>15. Lease, purchase, retain, own, hold, improve, or use</u>	1416
<u>any property, real, personal, or mixed, or any undivided</u>	1417
<u>interest therein;</u>	1418
<u>16. Sell, convey, mortgage, pledge, lease, exchange,</u>	1419
<u>abandon, or otherwise dispose of any property real, personal, or</u>	1420
<u>mixed;</u>	1421
<u>17. Establish a budget and make expenditures;</u>	1422
<u>18. Borrow money;</u>	1423
<u>19. Appoint committees, including standing committees,</u>	1424
<u>composed of members, State regulators, State legislators or</u>	1425
<u>their representatives, and consumer representatives, and such</u>	1426
<u>other interested persons as may be designated in this Compact</u>	1427
<u>and the bylaws;</u>	1428
<u>20. Provide and receive information from, and cooperate</u>	1429
<u>with, law enforcement agencies;</u>	1430

<u>21. Establish and elect an Executive Committee, including</u>	1431
<u>a chair and a vice chair;</u>	1432
<u>22. Determine whether a State's adopted language is</u>	1433
<u>materially different from the model compact language such that</u>	1434
<u>the State would not qualify for participation in the Compact;</u>	1435
<u>and</u>	1436
<u>23. Perform such other functions as may be necessary or</u>	1437
<u>appropriate to achieve the purposes of this Compact.</u>	1438
<u>D. The Executive Committee</u>	1439
<u>1. The Executive Committee shall have the power to act on</u>	1440
<u>behalf of the Commission according to the terms of this Compact.</u>	1441
<u>The powers, duties, and responsibilities of the Executive</u>	1442
<u>Committee shall include:</u>	1443
<u>a. Oversee the day-to-day activities of the administration</u>	1444
<u>of the compact including enforcement and compliance with the</u>	1445
<u>provisions of the compact, its Rules and bylaws, and other such</u>	1446
<u>duties as deemed necessary;</u>	1447
<u>b. Recommend to the Commission changes to the Rules or</u>	1448
<u>bylaws, changes to this Compact legislation, fees charged to</u>	1449
<u>Member States, fees charged to Licensees, and other fees;</u>	1450
<u>c. Ensure Compact administration services are</u>	1451
<u>appropriately provided, including by contract;</u>	1452
<u>d. Prepare and recommend the budget;</u>	1453
<u>e. Maintain financial records on behalf of the Commission;</u>	1454
<u>f. Monitor Compact compliance of Member States and provide</u>	1455
<u>compliance reports to the Commission;</u>	1456
<u>g. Establish additional committees as necessary;</u>	1457

<u>h. Exercise the powers and duties of the Commission during</u>	1458
<u>the interim between Commission meetings, except for adopting or</u>	1459
<u>amending Rules, adopting or amending bylaws, and exercising any</u>	1460
<u>other powers and duties expressly reserved to the Commission by</u>	1461
<u>Rule or bylaw; and</u>	1462
<u>i. Other duties as provided in the Rules or bylaws of the</u>	1463
<u>Commission.</u>	1464
<u>2. The Executive Committee shall be composed of up to</u>	1465
<u>seven members:</u>	1466
<u>a. The chair and vice chair of the Commission shall be</u>	1467
<u>voting members of the Executive Committee; and</u>	1468
<u>b. The Commission shall elect five voting members from the</u>	1469
<u>current membership of the Commission.</u>	1470
<u>3. The Commission may remove any member of the Executive</u>	1471
<u>Committee as provided in the Commission's bylaws.</u>	1472
<u>4. The Executive Committee shall meet at least annually.</u>	1473
<u>a. Executive Committee meetings shall be open to the</u>	1474
<u>public, except that the Executive Committee may meet in a</u>	1475
<u>closed, non-public meeting as provided in subsection F.2 below.</u>	1476
<u>b. The Executive Committee shall give thirty days' notice</u>	1477
<u>of its meetings, posted on its website and as determined to</u>	1478
<u>provide notice to persons with an interest in the business of</u>	1479
<u>the Commission.</u>	1480
<u>c. The Executive Committee may hold a special meeting in</u>	1481
<u>accordance with subsection F.1.b. below.</u>	1482
<u>E. The Commission shall adopt and provide to the Member</u>	1483
<u>States an annual report.</u>	1484

<u>F. Meetings of the Commission</u>	1485
<u>1. All meetings shall be open to the public, except that</u>	1486
<u>the Commission may meet in a closed, non-public meeting as</u>	1487
<u>provided in subsection F.2 below.</u>	1488
<u>a. Public notice for all meetings of the full Commission</u>	1489
<u>of meetings shall be given in the same manner as required under</u>	1490
<u>the Rulemaking provisions in Section 9, except that the</u>	1491
<u>Commission may hold a special meeting as provided in subsection</u>	1492
<u>F.1.b below.</u>	1493
<u>b. The Commission may hold a special meeting when it must</u>	1494
<u>meet to conduct emergency business by giving forty-eight hours'</u>	1495
<u>notice to all commissioners, on the Commission's website, and</u>	1496
<u>other means as provided in the Commission's rules. The</u>	1497
<u>Commission's legal counsel shall certify that the Commission's</u>	1498
<u>need to meet qualifies as an emergency.</u>	1499
<u>2. The Commission or the Executive Committee or other</u>	1500
<u>committees of the Commission may convene in a closed, non-public</u>	1501
<u>meeting for the Commission or Executive Committee or other</u>	1502
<u>committees of the Commission to receive legal advice or to</u>	1503
<u>discuss:</u>	1504
<u>a. Non-compliance of a Member State with its obligations</u>	1505
<u>under the Compact;</u>	1506
<u>b. The employment, compensation, discipline or other</u>	1507
<u>matters, practices or procedures related to specific employees;</u>	1508
<u>c. Current or threatened discipline of a Licensee by the</u>	1509
<u>Commission or by a Member State's Licensing Authority;</u>	1510
<u>d. Current, threatened, or reasonably anticipated</u>	1511
<u>litigation;</u>	1512

<u>e. Negotiation of contracts for the purchase, lease, or</u>	1513
<u>sale of goods, services, or real estate;</u>	1514
<u>f. Accusing any person of a crime or formally censuring</u>	1515
<u>any person;</u>	1516
<u>g. Trade secrets or commercial or financial information</u>	1517
<u>that is privileged or confidential;</u>	1518
<u>h. Information of a personal nature where disclosure would</u>	1519
<u>constitute a clearly unwarranted invasion of personal privacy;</u>	1520
<u>i. Investigative records compiled for law enforcement</u>	1521
<u>purposes;</u>	1522
<u>j. Information related to any investigative reports</u>	1523
<u>prepared by or on behalf of or for use of the Commission or</u>	1524
<u>other committee charged with responsibility of investigation or</u>	1525
<u>determination of compliance issues pursuant to the Compact;</u>	1526
<u>k. Matters specifically exempted from disclosure by</u>	1527
<u>federal or Member State law; or</u>	1528
<u>l. Other matters as promulgated by the Commission by Rule.</u>	1529
<u>3. If a meeting, or portion of a meeting, is closed, the</u>	1530
<u>presiding officer shall state that the meeting will be closed</u>	1531
<u>and reference each relevant exempting provision, and such</u>	1532
<u>reference shall be recorded in the minutes.</u>	1533
<u>4. The Commission shall keep minutes that fully and</u>	1534
<u>clearly describe all matters discussed in a meeting and shall</u>	1535
<u>provide a full and accurate summary of actions taken, and the</u>	1536
<u>reasons therefore, including a description of the views</u>	1537
<u>expressed. All documents considered in connection with an action</u>	1538
<u>shall be identified in such minutes. All minutes and documents</u>	1539
<u>of a closed meeting shall remain under seal, subject to release</u>	1540

<u>only by a majority vote of the Commission or order of a court of</u>	1541
<u>competent jurisdiction.</u>	1542
<u>G. Financing of the Commission</u>	1543
<u>1. The Commission shall pay, or provide for the payment</u>	1544
<u>of, the reasonable expenses of its establishment, organization,</u>	1545
<u>and ongoing activities.</u>	1546
<u>2. The Commission may accept any and all appropriate</u>	1547
<u>revenue sources as provided in C.14.</u>	1548
<u>3. The Commission may levy on and collect an annual</u>	1549
<u>assessment from each Member State and impose fees on Licensees</u>	1550
<u>practicing in the Member States under an Equivalent License to</u>	1551
<u>cover the cost of the operations and activities of the</u>	1552
<u>Commission and its staff, which must be in a total amount</u>	1553
<u>sufficient to cover its annual budget as approved each year for</u>	1554
<u>which revenue is not provided by other sources. The aggregate</u>	1555
<u>annual assessment amount for Member States shall be allocated</u>	1556
<u>based upon a formula that the Commission shall promulgate by</u>	1557
<u>Rule.</u>	1558
<u>4. The Commission shall not incur obligations of any kind</u>	1559
<u>prior to securing the funds adequate to meet the same; nor shall</u>	1560
<u>the Commission pledge the credit of any of the Member States,</u>	1561
<u>except by and with the authority of the Member State.</u>	1562
<u>5. The Commission shall keep accurate accounts of all</u>	1563
<u>receipts and disbursements. The receipts and disbursements of</u>	1564
<u>the Commission shall be subject to the financial review and</u>	1565
<u>accounting procedures established under its bylaws. However, all</u>	1566
<u>receipts and disbursements of funds handled by the Commission</u>	1567
<u>shall be subject to an annual financial review by a certified or</u>	1568
<u>licensed public accountant, and the report of the financial</u>	1569

review shall be included in and become part of the annual report 1570  
of the Commission. 1571

H. Qualified Immunity, Defense, and Indemnification 1572

1. The members, officers, executive director, employees 1573  
and representatives of the Commission shall be immune from suit 1574  
and liability, both personally and in their official capacity, 1575  
for any claim for damage to or loss of property or personal 1576  
injury or other civil liability caused by or arising out of any 1577  
actual or alleged act, error, or omission that occurred, or that 1578  
the person against whom the claim is made had a reasonable basis 1579  
for believing occurred within the scope of Commission 1580  
employment, duties or responsibilities; provided that nothing in 1581  
this paragraph shall be construed to protect any such person 1582  
from suit or liability for any damage, loss, injury, or 1583  
liability caused by the intentional or willful or wanton 1584  
misconduct of that person. The procurement of insurance of any 1585  
type by the Commission shall not in any way compromise or limit 1586  
the immunity granted hereunder. 1587

2. The Commission shall defend any member, officer, 1588  
executive director, employee, and representative of the 1589  
Commission in any civil action seeking to impose liability 1590  
arising out of any actual or alleged act, error, or omission 1591  
that occurred within the scope of Commission employment, duties, 1592  
or responsibilities, or as determined by the commission that the 1593  
person against whom the claim is made had a reasonable basis for 1594  
believing occurred within the scope of Commission employment, 1595  
duties, or responsibilities; provided that nothing herein shall 1596  
be construed to prohibit that person from retaining their own 1597  
counsel at their own expense; and provided further, that the 1598  
actual or alleged act, error, or omission did not result from 1599

that person's intentional or willful or wanton misconduct. 1600

3. The Commission shall indemnify and hold harmless any 1601  
member, officer, executive director, employee, and 1602  
representative of the Commission for the amount of any 1603  
settlement or judgment obtained against that person arising out 1604  
of any actual or alleged act, error, or omission that occurred 1605  
within the scope of Commission employment, duties, or 1606  
responsibilities, or that such person had a reasonable basis for 1607  
believing occurred within the scope of Commission employment, 1608  
duties, or responsibilities, provided that the actual or alleged 1609  
act, error, or omission did not result from the intentional or 1610  
willful or wanton misconduct of that person. 1611

4. Nothing herein shall be construed as a limitation on 1612  
the liability of any licensee for professional malpractice or 1613  
misconduct, which shall be governed solely by any other 1614  
applicable state laws. 1615

5. Nothing in this Compact shall be interpreted to waive 1616  
or otherwise abrogate a Member State's state action immunity or 1617  
state action affirmative defense with respect to antitrust 1618  
claims under the Sherman Act, Clayton Act, or any other state or 1619  
federal antitrust or anticompetitive law or regulation. 1620

6. Nothing in this Compact shall be construed to be a 1621  
waiver of sovereign immunity by the Member States or by the 1622  
Commission. 1623

SECTION 8. FACILITATING INFORMATION EXCHANGE 1624

A. The Commission shall provide for facilitating the 1625  
exchange of information to administer and implement the 1626  
provisions of this compact in accordance with the Rules of the 1627  
Commission, consistent with generally accepted data protection 1628

principles. 1629

B. Notwithstanding any other provision of State law to the 1630  
contrary, a Member State shall agree to provide for the 1631  
facilitation of the following Licensee information as required 1632  
by the Rules of the Commission, including: 1633

1. Identifying information; 1634

2. Licensure data; 1635

3. Adverse Actions against a License and information 1636  
related thereto; 1637

4. Non-confidential information related to Alternative 1638  
Program participation, the beginning and ending dates of such 1639  
participation, and other information related to such 1640  
participation not made confidential under Member State law; 1641

5. Any denial of application for licensure, and the reason 1642  
or reasons for such denial; 1643

6. The presence of investigative information; and 1644

7. Other information that may facilitate the 1645  
administration of this Compact or the protection of the public, 1646  
as determined by the Rules of the Commission. 1647

C. Nothing in this Compact shall be deemed or construed to 1648  
alter, limit, or inhibit the power of a Member State to control 1649  
and maintain ownership of its Licensee information or alter, 1650  
limit, or inhibit the laws or regulations governing Licensee 1651  
information in the Member State. 1652

SECTION 9. RULEMAKING 1653

A. The Commission shall exercise its Rulemaking powers 1654  
pursuant to the criteria set forth in this Compact and the Rules 1655

adopted thereunder. Rules and amendments shall become binding as 1656  
of the date specified in each Rule or amendment. 1657

B. The Commission shall promulgate reasonable Rules to 1658  
achieve the intent and purpose of this Compact. In the event the 1659  
Commission exercises its Rulemaking authority in a manner that 1660  
is beyond purpose and intent of this Compact, or the powers 1661  
granted hereunder, then such an action by the Commission shall 1662  
be invalid and have no force and effect of law in the Member 1663  
States. 1664

C. If a majority of the legislatures of the Member States 1665  
rejects a Rule, by enactment of a statute or resolution in the 1666  
same manner used to adopt the Compact within four years of the 1667  
date of adoption of the Rule, then such Rule shall have no 1668  
further force and effect in any Member State. 1669

D. Rules or amendments to the Rules shall be adopted or 1670  
ratified at a regular or special meeting of the Commission in 1671  
accordance with Commission Rules and Bylaws. 1672

E. Prior to promulgation and adoption of a final Rule or 1673  
Rules by the Commission, and at least thirty days in advance of 1674  
the meeting at which the Rule will be considered and voted upon, 1675  
the Commission shall file a notice of proposed rulemaking: 1676

1. On the website of the Commission or other publicly 1677  
accessible platform; and 1678

2. On the website of each Member State Licensing Authority 1679  
or other publicly accessible platform or the publication in 1680  
which each State would otherwise publish proposed Rules. 1681

F. Upon determination that an emergency exists, the 1682  
Commission may consider and adopt an emergency Rule with forty- 1683  
eight hours' notice, with opportunity to comment, provided that 1684

the usual Rulemaking procedures shall be retroactively applied 1685  
to the Rule as soon as reasonably possible, in no event later 1686  
than ninety days after the effective date of the Rule. For the 1687  
purposes of this provision, an emergency Rule is one that must 1688  
be adopted immediately in order to: 1689

1. Meet an imminent threat to public health, safety, or 1690  
welfare. 1691

2. Prevent a loss of Commission or Member State funds. 1692

3. Meet a deadline for the promulgation of an 1693  
administrative Rule that is established by federal law or Rule; 1694  
or 1695

4. Protect public health and safety. 1696

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT 1697

A. Oversight 1698

1. The executive and judicial branches of the State 1699  
government in each Member State shall enforce this Compact and 1700  
take all actions necessary and appropriate to implement the 1701  
Compact. 1702

2. Venue is proper and judicial proceedings by or against 1703  
the Commission shall be brought solely and exclusively in a 1704  
court of competent jurisdiction where the principal office of 1705  
the Commission is located. The Commission may waive venue and 1706  
jurisdictional defenses to the extent it adopts or consents to 1707  
participate in alternative dispute resolution proceedings. 1708  
Nothing herein shall affect or limit the selection or propriety 1709  
of venue in any action against a licensee for professional 1710  
malpractice, misconduct or any such similar matter. 1711

3. The Commission shall be entitled to receive service of 1712

process in any proceeding regarding the enforcement or 1713  
interpretation of the Compact and shall have standing to 1714  
intervene in such a proceeding for all purposes. Failure to 1715  
provide the Commission service of process shall render a 1716  
judgment or order void as to the Commission, this Compact, or 1717  
promulgated Rules. 1718

B. Default, Technical Assistance, and Termination 1719

1. If the Commission determines that a Member State has 1720  
defaulted in the performance of its obligations or 1721  
responsibilities under this Compact or the promulgated Rules, 1722  
the Commission shall provide written notice to the defaulting 1723  
State. The notice of default shall describe the default, the 1724  
proposed means of curing the default, and any other action that 1725  
the Commission may take, and shall offer training and specific 1726  
technical assistance regarding the default. 1727

2. The Commission shall provide a copy of the notice of 1728  
default to the other Member States. 1729

C. If a State in default fails to cure the default, the 1730  
defaulting State may be terminated from the Compact upon an 1731  
affirmative vote of a supermajority of the delegates of the 1732  
Member States, and all rights, privileges and benefits conferred 1733  
on that state by this Compact may be terminated on the effective 1734  
date of termination. A cure of the default does not relieve the 1735  
offending State of obligations or liabilities incurred during 1736  
the period of default. 1737

D. Termination of membership in the Compact shall be 1738  
imposed only after all other means of securing compliance have 1739  
been exhausted. Notice of intent to suspend or terminate shall 1740  
be given by the Commission to the governor, the majority and 1741

minority leaders of the defaulting State's legislature, the 1742  
defaulting State's Licensing Authority and each of the Member 1743  
States' Licensing Authorities. 1744

E. A State that has been terminated is responsible for all 1745  
assessments, obligations, and liabilities incurred through the 1746  
effective date of termination, including obligations that extend 1747  
beyond the effective date of termination. 1748

F. Upon the termination of a State's membership from this 1749  
Compact, that State shall immediately provide notice to all 1750  
Licensees within that State of such termination. The terminated 1751  
State shall continue to recognize all Licenses granted pursuant 1752  
to this Compact for a minimum of six months after the date of 1753  
said notice of termination. 1754

G. The Commission shall not bear any costs related to a 1755  
State that is found to be in default or that has been terminated 1756  
from the Compact, unless agreed upon in writing between the 1757  
Commission and the defaulting State. 1758

H. The defaulting State may appeal the action of the 1759  
Commission by petitioning the United States District Court for 1760  
the District of Columbia or the federal district where the 1761  
Commission has its principal offices. The prevailing party shall 1762  
be awarded all costs of such litigation, including reasonable 1763  
attorney's fees. 1764

I. Dispute Resolution 1765

1. Upon request by a Member State, the Commission shall 1766  
attempt to resolve disputes related to the Compact that arise 1767  
among Member States and between Member and non-Member States. 1768

2. The Commission shall promulgate a Rule providing for 1769  
both mediation and binding dispute resolution for disputes as 1770

appropriate. 1771

J. Enforcement 1772

1. By majority vote as provided by Rule, the Commission 1773  
may initiate legal action against a Member State in default in 1774  
the United States District Court for the District of Columbia or 1775  
the federal district where the Commission has its principal 1776  
offices to enforce compliance with the provisions of the Compact 1777  
and its promulgated Rules. The relief sought may include both 1778  
injunctive relief and damages. In the event judicial enforcement 1779  
is necessary, the prevailing party shall be awarded all costs of 1780  
such litigation, including reasonable attorney's fees. The 1781  
remedies herein shall not be the exclusive remedies of the 1782  
Commission. The Commission may pursue any other remedies 1783  
available under federal or the defaulting Member State's law. 1784

2. A Member State may initiate legal action against the 1785  
Commission in the United States District Court for the District 1786  
of Columbia or the federal district where the Commission has its 1787  
principal offices to enforce compliance with the provisions of 1788  
the Compact and its promulgated Rules. The relief sought may 1789  
include both injunctive relief and damages. In the event 1790  
judicial enforcement is necessary, the prevailing party shall be 1791  
awarded all costs of such litigation, including reasonable 1792  
attorney's fees. 1793

3. No person other than a Member State shall enforce this 1794  
compact against the Commission. 1795

SECTION 11. EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT 1796

A. The Compact shall come into effect on the date on which 1797  
the Compact statute is enacted into law in the seventh Member 1798  
State. 1799

1. On or after the effective date of the Compact indicated 1800  
above, the Commission shall convene and review the enactment of 1801  
each of the Charter Member States to determine if the statute 1802  
enacted by each such Charter Member State is materially 1803  
different than the model Compact statute. 1804

a. A Charter Member State whose enactment is found to be 1805  
materially different from the model Compact statute shall be 1806  
entitled to the default process set forth in Section 10. 1807

b. If any Member State is later found to be in default, or 1808  
is terminated or withdraws from the Compact, the Commission 1809  
shall remain in existence and the Compact shall remain in effect 1810  
even if the number of Member States should be less than seven. 1811

2. Member States enacting the Compact subsequent to the 1812  
Charter Member States shall be subject to the process set forth 1813  
in Section 7.C.22 to determine if their enactments are 1814  
materially different from the model Compact statute and whether 1815  
they qualify for participation in the Compact. 1816

3. All actions taken for the benefit of the Commission or 1817  
in furtherance of the purposes of the administration of the 1818  
Compact prior to the effective date of the Compact or the 1819  
Commission coming into existence shall be considered to be 1820  
actions of the Commission unless specifically repudiated by the 1821  
Commission. 1822

a. Any State that joins the Compact subsequent to the 1823  
Commission's initial adoption of the Rules and bylaws shall be 1824  
subject to the Rules and bylaws as they exist on the date on 1825  
which the Compact becomes law in that State. Any Rule that has 1826  
been previously adopted by the Commission shall have the full 1827  
force and effect of law on the day the Compact becomes law in 1828

<u>that State.</u>	1829
<u>b. Any Member State may withdraw from this Compact by</u>	1830
<u>enacting a statute repealing the same.</u>	1831
<u>B. A Member State's withdrawal shall not take effect until</u>	1832
<u>one hundred eighty days after enactment of the repealing</u>	1833
<u>statute.</u>	1834
<u>C. Withdrawal shall not affect the continuing requirement</u>	1835
<u>of the withdrawing State's Licensing Authority to comply with</u>	1836
<u>the investigative and Adverse Action reporting requirements of</u>	1837
<u>this Compact prior to the effective date of withdrawal.</u>	1838
<u>D. Upon the enactment of a statute withdrawing from this</u>	1839
<u>compact, a State shall immediately provide notice of such</u>	1840
<u>withdrawal to all Licensees within that State. Notwithstanding</u>	1841
<u>any subsequent statutory enactment to the contrary, such</u>	1842
<u>withdrawing State shall continue to recognize all licenses</u>	1843
<u>granted pursuant to this compact for a minimum of six months</u>	1844
<u>after the date of such notice of withdrawal.</u>	1845
<u>1. Nothing contained in this Compact shall be construed to</u>	1846
<u>invalidate or prevent any licensure agreement or other</u>	1847
<u>cooperative arrangement between a Member State and a non-Member</u>	1848
<u>State that does not conflict with the provisions of this</u>	1849
<u>Compact.</u>	1850
<u>2. This Compact may be amended by the Member States. No</u>	1851
<u>amendment to this Compact shall become effective and binding</u>	1852
<u>upon any Member State until it is enacted into the laws of all</u>	1853
<u>Member States.</u>	1854
<u>SECTION 12. CONSTRUCTION AND SEVERABILITY</u>	1855
<u>A. This Compact and the Commission's rulemaking authority</u>	1856

shall be liberally construed so as to effectuate the purposes, 1857  
and the implementation and administration of the Compact. 1858  
Provisions of the Compact expressly authorizing or requiring the 1859  
promulgation of Rules shall not be construed to limit the 1860  
Commission's rulemaking authority solely for those purposes. 1861

B. The provisions of this Compact shall be severable and 1862  
if any phrase, clause, sentence or provision of this Compact is 1863  
held by a court of competent jurisdiction to be contrary to the 1864  
constitution of any Member State, a State seeking participation 1865  
in the Compact, or of the United States, or the applicability 1866  
thereof to any government, agency, person, or circumstance is 1867  
held to be unconstitutional by a court of competent 1868  
jurisdiction, the validity of the remainder of this Compact and 1869  
the applicability thereof to any other government, agency, 1870  
person, or circumstance shall not be affected thereby. 1871

C. Notwithstanding subsection B of this Section, the 1872  
Commission may deny a State's participation in the Compact or, 1873  
in accordance with the requirements of Section 10.B, terminate a 1874  
Member State's participation in the Compact, if it determines 1875  
that a constitutional requirement of a Member State is a 1876  
material departure from the Compact. Otherwise, if this Compact 1877  
shall be held to be contrary to the constitution of any Member 1878  
State, the Compact shall remain in full force and effect as to 1879  
the remaining Member States and in full force and effect as to 1880  
the Member State affected as to all severable matters. 1881

SECTION 13. CONSISTENT EFFECT AND CONFLICT WITH OTHER 1882  
STATE LAWS 1883

A. Nothing herein shall prevent or inhibit the enforcement 1884  
of any other law of a Member State that is not inconsistent with 1885  
the Compact. 1886

B. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict. 1887  
1888  
1889

C. All permissible agreements between the Commission and the Member States are binding in accordance with their terms. 1890  
1891

**Sec. 5903.12.** (A) As used in this section: 1892

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, ~~4731.155~~, 4731.282, 4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, 4763.07, and 4772.081 of the Revised Code. 1893  
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"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law. 1901  
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(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month. 1904  
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**Section 2.** That existing sections 4731.156 and 5903.12 of 1916  
the Revised Code are hereby repealed. 1917

**Section 3.** That section 4731.155 of the Revised Code is 1918  
hereby repealed. 1919