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1 SENATE BILL NO. 795

2 Offered January 23, 2026

3 A BILL to amend and reenact §§ 54.1-3473, 54.1-3474, and 54.1-3475 of the Code of Virginia; to amend the
4 Code of Virginia by adding in Chapter 34.1 of Title 54.1 an Article numbered 3, consisting of sections
5 numbered 54.1-3497 through 54.1-3499.1; and to repeal Article 5 (§§ 54.1-3029, 54.1-3029.1, and
6 54.1-3029.2) of Chapter 30 of Title 54.1 of the Code of Virginia, relating to licensure of massage
7 therapists.

8 Patron—Peake

9
10 Referred to Committee on Education and Health11
12 Be it enacted by the General Assembly of Virginia:13 1. That §§ 54.1-3473, 54.1-3474, and 54.1-3475 of the Code of Virginia are amended and reenacted and
14 that the Code of Virginia is amended by adding in Chapter 34.1 of Title 54.1 an Article numbered 3,
15 consisting of sections numbered 54.1-3497 through 54.1-3499.1, as follows:

16 § 54.1-3473. Definitions.

17 As used in this chapter, unless the context requires a different meaning:

18 "Board" means the Board of Physical Therapy.

19 "Licensed massage therapist" means any person licensed by the Board to practice massage therapy.

20 "Physical therapist" means any person licensed by the Board to engage in the practice of physical therapy.

21 "Physical therapist assistant" means any person licensed by the Board to assist a physical therapist in the
22 practice of physical therapy.23 "Practice of physical therapy" means that branch of the healing arts that is concerned with, upon medical
24 referral and direction, the evaluation, testing, treatment, reeducation, and rehabilitation by physical,
25 mechanical, or electronic measures and procedures of individuals who, because of trauma, disease or birth
26 defect, present physical and emotional disorders. The practice of physical therapy also includes the
27 administration, interpretation, documentation, and evaluation of tests and measurements of bodily functions
28 and structures within the scope of practice of the physical therapist. However, the practice of physical therapy
29 does not include the medical diagnosis of disease or injury, the use of Roentgen rays and radium for
30 diagnostic or therapeutic purposes, or the use of electricity for shock therapy and surgical purposes including
31 cauterization.

32 § 54.1-3474. Unlawful to practice without license; continuing competency requirements.

33 A. It shall be unlawful for any person to practice physical therapy or as a physical therapist assistant or
34 licensed massage therapist in the Commonwealth without a valid unrevoked license issued by the Board.35 B. The Board shall promulgate regulations establishing requirements to ensure continuing competency of
36 physical therapists and, physical therapist assistants, and licensed massage therapists which may include
37 continuing education, testing, or such other requirements as the Board may determine to be necessary.38 C. In promulgating continuing competency requirements, the Board shall consider (i) the need to promote
39 ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical
40 technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care
41 system.

42 D. The Board may approve persons who provide or accredit programs to ensure continuing competency.

43 § 54.1-3475. Board of Physical Therapy; appointment; qualifications; officers; nominations.

44 A. The Board of Physical Therapy shall regulate the practice of physical therapy and carry out the
45 provisions of this chapter regarding the qualifications, examination, licensure, and regulation of physical
46 therapists and, physical therapist assistants, and licensed massage therapists and shall have the general
47 powers and duties of a health regulatory board pursuant to § 54.1-2400.48 B. The Board shall be appointed by the Governor and shall be composed of seven members, five four of
49 whom shall be physical therapists who have been in active practice for at least seven years prior to
50 appointment with at least three of such years in Virginia; one shall be a licensed physical therapist assistant;
51 one shall be a licensed massage therapist; and one shall be a citizen member. Members shall be appointed for
52 terms of four years and shall serve until their successors are appointed. The initial appointments shall provide
53 for staggered terms with two members being appointed for a one-year term, two members being appointed for
54 a two-year term, two members being appointed for a three-year term, and one member being appointed for a
55 four-year term. Vacancies occurring other than by expiration of term shall be filled for the unexpired term.
56 No person shall be eligible to serve on the Board for more than two successive full terms.

57 C. The Board shall annually elect a president and a vice-president.

58 D. Nominations for the professional members of the Board may be chosen by the Governor from a list of

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59 at least three names for each vacancy submitted by the Virginia Physical Therapy Association, Inc (*the*
60 *Association*). The Governor may notify the Association of any professional vacancy other than by expiration
61 of a term and nominations may be submitted by the Association. The Governor shall not be bound to make
62 any appointments from among such nominees.

63 *Article 3.*

64 *Licensure of Massage Therapists.*

65 **§ 54.1-3497. Qualifications for a licensed massage therapist.**

66 *A. In order to be licensed as a massage therapist, the applicant shall furnish evidence satisfactory to the*
67 *Board that the applicant:*

- 68 *1. Is at least 18 years old;*
- 69 *2. Has successfully completed a massage therapy educational program that required a minimum of 500*
70 *hours of training. The massage therapy educational program shall be certified or approved by the State*
71 *Council of Higher Education for Virginia or an agency in another state, the District of Columbia, or a United*
72 *States territory that approves educational programs, notwithstanding the provisions of § 23.1-226;*
- 73 *3. Has passed the Licensing Examination of the Federation of State Massage Therapy Boards or an*
74 *examination deemed acceptable to the Board of Physical Therapy; and*
- 75 *4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of*
76 *licensure as set forth in this chapter.*

77 *B. The Board may issue a provisional license to an applicant prior to passing the Licensing Examination*
78 *of the Federation of State Massage Therapy Boards for such time and in such manner as prescribed by the*
79 *Board. No more than one provisional license shall be issued to any applicant.*

80 *C. The Board may license without examination any applicant who is licensed as a massage therapist in*
81 *another state, the District of Columbia, a United States possession or territory, or another country, and, in*
82 *the opinion of the Board, meets the requirements for licensed massage therapists in the Commonwealth.*

83 *D. An applicant who completed a massage therapy educational program in a foreign country may apply*
84 *for licensure as a massage therapist upon submission of evidence, satisfactory to the Board, that the*
85 *applicant:*

- 86 *1. Is at least 18 years old;*
- 87 *2. Has successfully completed a massage therapy educational program in a foreign country that is*
88 *comparable to a massage therapy educational program required for licensure by the Board as demonstrated*
89 *by submission of evidence of comparability and equivalency provided by an agency that evaluates credentials*
90 *for persons who have studied outside the United States;*
- 91 *3. Has passed a Board-approved English language proficiency examination; and*
- 92 *4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of*
93 *licensure as set forth in this chapter.*

94 *The Board shall issue a license to an applicant who meets the requirements in this subsection upon*
95 *submission by the applicant of evidence satisfactory to the Board that the applicant has completed an English*
96 *version of the Licensing Examination of the Federation of State Massage Therapy Boards or a comparable*
97 *examination deemed acceptable to the Board.*

98 **§ 54.1-3498. Advisory Board on Massage Therapy.**

99 *The Advisory Board on Massage Therapy shall assist the Board in carrying out the provisions of this*
100 *chapter regarding the qualifications, examination, registration, regulation, and standards of professional*
101 *conduct of massage therapists as described in § 54.1-3497. The Advisory Board shall also assist in such*
102 *other matters relating to the practice of massage therapy as the Board may require.*

103 *The Advisory Board on Massage Therapy shall consist of five members to be appointed by the Governor*
104 *for four-year terms as follows: three members shall be licensed massage therapists who have practiced in the*
105 *Commonwealth for not less than three years prior to their appointment, one shall be an administrator or*
106 *faculty member of a nationally accredited school of massage therapy, and one shall be a citizen member*
107 *appointed from the Commonwealth at large.*

108 *The Advisory Board shall elect a chairman and vice-chairman from among its membership. The Advisory*
109 *Board shall meet at least once a year and may hold additional meetings as necessary to perform its duties. A*
110 *majority of the Board shall constitute a quorum for the conduct of business.*

111 *Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person*
112 *shall be eligible to serve on the Advisory Board for more than two successive terms.*

113 **§ 54.1-3499. Disciplinary authority; investigation.**

114 *The Board shall investigate alleged violations by licensed massage therapists and may impose any*
115 *disciplinary action authorized under law, including license suspension, revocation, probation, or civil*
116 *penalties.*

117 **§ 54.1-3499.1. Interstate Massage Compact.**

118 *The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the*
119 *Interstate Massage Compact with any and all states legally joining therein according to its terms, in the form*
120 *substantially as follows:*

121

INTERSTATE MASSAGE COMPACT.

122

Article 1. Purpose.

123

The purpose of this Compact is to reduce the burdens on state governments and to facilitate the interstate practice and regulation of massage therapy with the goal of improving public access to, and the safety of, massage therapy services. Through this Compact, the Member States seek to establish a regulatory framework which provides for a new multistate licensing program. Through this additional licensing pathway, the Member States seek to provide increased value and mobility to licensed massage therapists in the Member States, while ensuring the provision of safe, competent, and reliable services to the public.

124

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

125

1. Increase public access to massage therapy services by providing for a multistate licensing pathway;
2. Enhance the Member States' ability to protect the public's health and safety;
3. Enhance the Member States' ability to prevent human trafficking and licensure fraud;
4. Encourage the cooperation of Member States in regulating the multistate practice of massage therapy;
5. Support relocating military members and their spouses;
6. Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the Member States;
7. Create an Interstate Commission that will exist to implement and administer the Compact;
8. Allow a Member State to hold a licensee accountable, even where that licensee holds a multistate license;
9. Create a streamlined pathway for licensees to practice in Member States, thus increasing the mobility of duly licensed massage therapists; and
10. Serve the needs of licensed massage therapists and the public receiving their services; however, Nothing in this Compact is intended to prevent a state from enforcing its own laws regarding the practice of massage therapy.

126

Article 2. Definitions.

127

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:

128

"Active military member" means any person with full-time duty status in the Armed Forces of the United States, including members of the National Guard and Reserve.

129

"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a Member State's laws that 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.

130

"Alternative program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a Member State's licensing authority.

131

"Authorization to practice" means 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.

132

"Background check" means 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.

133

"Charter Member States" means 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.

134

"Commission" means 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.

135

"Compact" means the Interstate Massage Compact.

136

"Continuing competence" means 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.

137

"Current significant investigative information" means 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 laws regarding the practice of massage therapy.

138

"Data system" means a repository of information about licensees who hold multistate licenses, which may include but is not limited to license status, investigative information, and adverse actions.

139

"Disqualifying event" means any event that shall disqualify an individual from holding a multistate license under this Compact, which the Commission may by rule specify.

140

"Encumbrance" means a revocation or suspension of, or any limitation or condition on, the full and

183 *unrestricted practice of massage therapy by a licensing authority.*

184 *"Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within*
185 *the powers granted to them by, the Commission.*

186 *"Home state" means the Member State that is a licensee's primary state of residence where the licensee*
187 *holds an active single-state license.*

188 *"Investigative information" means information, records, or documents received or generated by a*
189 *licensing authority pursuant to an investigation or other inquiry.*

190 *"Licensee" means an individual who currently holds a license from a Member State to fully practice*
191 *massage therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.*

192 *"Licensing authority" means a state's regulatory body responsible for issuing massage therapy licenses or*
193 *otherwise overseeing the practice of massage therapy in that state.*

194 *"Massage therapy," "massage therapy services," and the "practice of massage therapy" means the care*
195 *and services provided by a licensee as set forth in the Member State's statutes and regulations in the state*
196 *where the services are being provided.*

197 *"Member State" means any state that has adopted this Compact.*

198 *"Multistate license" means a license that consists of authorizations to practice massage therapy in all*
199 *remote states pursuant to this Compact, which shall be subject to the enforcement jurisdiction of the licensing*
200 *authority in a licensee's home state.*

201 *"National licensing examination" means a national examination developed by a national association of*
202 *massage therapy regulatory boards, as defined by Commission rule, that is derived from a practice analysis*
203 *and is consistent with generally accepted psychometric principles of fairness, validity, and reliability and is*
204 *administered under secure and confidential examination protocols.*

205 *"Remote state" means any Member State, other than the licensee's home state.*

206 *"Rule" means any opinion or regulation promulgated by the Commission under this Compact, which shall*
207 *have the force of law.*

208 *"Single-state license" means a current, valid authorization issued by a Member State's licensing authority*
209 *allowing an individual to fully practice massage therapy, that is not a restricted, student, provisional,*
210 *temporary, or inactive practice authorization and authorizes practice only within the issuing state.*

211 *"State" means a state, territory, possession of the United States, or the District of Columbia.*

Article 3. Member State Requirements.

213 A. *To be eligible to join this Compact, and to maintain eligibility as a Member State, a state must:*

214 1. *License and regulate the practice of massage therapy;*

215 2. *Have a mechanism or entity in place to receive and investigate complaints from the public, regulatory*
216 *or law-enforcement agencies, or the Commission about licensees practicing in that state;*

217 3. *Accept passage of a national licensing examination as a criterion for massage therapy licensure in that*
218 *state;*

219 4. *Require that licensees satisfy educational requirements prior to being licensed to provide massage*
220 *therapy services to the public in that state;*

221 5. *Implement procedures for requiring the background check of applicants for a multistate license, and*
222 *for the reporting of any disqualifying events, including but not limited to obtaining and submitting, for each*
223 *licensee holding a multistate license and each applicant for a multistate license, fingerprint or other*
224 *biometric-based information to the Federal Bureau of Investigation for background checks; receiving the*
225 *results of the Federal Bureau of Investigation record search on background checks and considering the*
226 *results of such a background check in making licensure decisions;*

227 6. *Have continuing competence requirements as a condition for license renewal;*

228 7. *Participate in the data system, including through the use of unique identifying numbers as described*
229 *herein;*

230 8. *Notify the Commission and other Member States, in compliance with the terms of the Compact and*
231 *rules of the Commission, of any disciplinary action taken by the state against a licensee practicing under a*
232 *multistate license in that state, or of the existence of investigative information or current significant*
233 *investigative information regarding a licensee practicing in that state pursuant to a multistate license;*

234 9. *Comply with the rules of the Commission;*

235 10. *Accept licensees with valid multistate licenses from other member states as established herein;*

236 B. *Individuals not residing in a Member State shall continue to be able to apply for a Member State's*
237 *single-state license as provided under the laws of each Member State. However, the single-state license*
238 *granted to those individuals shall not be recognized as granting a multistate license for massage therapy in*
239 *any other Member State;*

240 C. *Nothing in this Compact shall affect the requirements established by a Member State for the issuance*
241 *of a single-state license; and*

242 D. *A multistate license issued to a licensee shall be recognized by each remote state as an authorization to*
243 *practice massage therapy in each remote state.*

Article 4. Multistate License Requirements.

245 A. To qualify for a multistate license under this Compact, and to maintain eligibility for such a license, an
 246 applicant must:

247 1. Hold an active single-state license to practice massage therapy in the applicant's home state;
 248 2. Have completed at least six hundred and twenty-five (625) clock hours of massage therapy education or
 249 the substantial equivalent that the Commission may approve by rule.

250 3. Have passed a national licensing examination or the substantial equivalent which the Commission may
 251 approve by rule.

252 4. Submit to a background check;

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

257 6. Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor
 258 offense related to the practice of massage therapy under applicable state or federal criminal law within two
 259 (2) years prior to the date of his application, where such a time period shall not include any time served for
 260 the offense, and provided that the applicant has completed any and all requirements arising as a result of any
 261 such offense;

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

264 a. Kidnapping;

265 b. Human trafficking;

266 c. Human smuggling;

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

268 e. Any other category of offense which the Commission may by rule designate.

269 8. Have not previously held a massage therapy license that was revoked by, or surrendered in lieu of
 270 discipline, to an applicable licensing authority;

271 9. Have no history of any adverse action on any occupational or professional license within two (2) years
 272 prior to the date of his application; and

273 10. Pay all required fees.

274 B. A multistate license granted pursuant to this Compact may be effective for a definite period of time
 275 concurrent with the renewal of the home state license.

276 C. A licensee practicing in a Member State is subject to all scope of practice laws governing massage
 277 therapy services in that state.

278 D. The practice of massage therapy under a multistate license granted pursuant to this Compact will
 279 subject the licensee to the jurisdiction of the licensing authority, the courts, and the laws of the Member State
 280 in which the massage therapy services are provided.

281 Article 5. Authority of Interstate Massage Compact Commission Member State Licensing Authorities.

282 A. Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any
 283 way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the
 284 practice of massage therapy in that state, where those laws, regulations, or other rules are not inconsistent
 285 with the provisions of this Compact.

286 B. Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any
 287 way reduce the ability of a Member State to take adverse action against a licensee's single-state license to
 288 practice massage therapy in that state.

289 C. Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any
 290 way reduce the ability of a remote state to take adverse action against a licensee's authorization to practice
 291 in that state.

292 D. Nothing in this Compact, nor any rule of the Commission, shall be construed to limit, restrict, or in any
 293 way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license
 294 based upon information provided by a remote state.

295 E. Insofar as practical, a Member State's licensing authority shall cooperate with the Commission and
 296 with each entity exercising independent regulatory authority over the practice of massage therapy according
 297 to the provisions of this Compact.

298 Article 6. Adverse Actions.

299 A. A licensee's home state shall have exclusive power to impose an adverse action against a licensee's
 300 multistate license issued by the home state.

301 B. A home state may take adverse action on a multistate license based on the investigative information,
 302 current significant investigative information, or adverse action of a remote state.

303 C. A home state shall retain authority to complete any pending investigations of a licensee practicing
 304 under a multistate license who changes his home state during the course of such an investigation. The
 305 licensing authority shall also be empowered to report the results of such an investigation to the Commission
 306 through the data system as described herein.

307 D. Any Member State may investigate actual or alleged violations of the scope of practice laws in any
308 other Member State for a massage therapist who holds a multistate license.

309 E. A remote state shall have the authority to:

310 1. Take adverse actions against a licensee's authorization to practice;
311 2. Issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice in
312 that state.

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

320 4. If otherwise permitted by state law, recover from the affected licensee the costs of investigations and
321 disposition of cases resulting from any adverse action taken against that licensee.

322 5. Take adverse action against the licensee's authorization to practice in that state based on the factual
323 findings of another Member State.

324 F. If an adverse action is taken by the home state against a licensee's multistate license or single-state
325 license to practice in the home state, the licensee's authorization to practice in all other Member States shall
326 be deactivated until all encumbrances have been removed from such license. All home state disciplinary
327 orders that impose an adverse action against a licensee shall include a statement that the massage therapist's
328 authorization to practice is deactivated in all Member States during the pendency of the order.

329 G. If adverse action is taken by a remote state against a licensee's authorization to practice, that adverse
330 action applies to all authorizations to practice in all remote states. A licensee whose authorization to practice
331 in a remote state is removed for a specified period of time is not eligible to apply for a new multistate license
332 in any other state until the specific time for removal of the authorization to practice has passed and all
333 encumbrance requirements are satisfied.

334 H. Nothing in this Compact shall override a Member State's authority to accept a licensee's participation
335 in an alternative program in lieu of adverse action. A licensee's multistate license shall be suspended for the
336 duration of the licensee's participation in any alternative program.

337 I. *Joint Investigations.*

338 1. In addition to the authority granted to a Member State by its respective scope of practice laws or other
339 applicable state law, a Member State may participate with other Member States in joint investigations of
340 licensees.

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

Article 7. Active Military Members and Their Spouses.

344 Active military members, or their spouses, shall designate a home state where the individual has a current
345 license to practice massage therapy in good standing. The individual may retain his home state designation
346 during any period of service when that individual or his spouse is on active duty assignment.

Article 8. Establishment and Operation of Interstate Massage Compact Commission.

348 A. The Compact Member States hereby create and establish a joint government agency whose
349 membership consists of all Member States that have enacted the Compact known as the Interstate Massage
350 Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an
351 instrumentality of any one state. The Commission shall come into existence on or after the effective date of
352 the Compact as set forth in Article 12.

353 B. *Membership, voting, and meetings.*

354 1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's state
355 licensing authority.

356 2. The delegate shall be the primary administrative officer of the state licensing authority or his designee.

357 3. The Commission shall by rule or bylaw establish a term of office for delegates and may by rule or
358 bylaw establish term limits.

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

360 5. A Member State's state licensing authority shall fill any vacancy of its delegate occurring on the
361 Commission within 60 days of the vacancy.

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

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

366 C. The Commission shall have the following powers:

367 1. Establish the fiscal year of the Commission;
368 2. Establish code of conduct and conflict of interest policies;

369 3. Adopt rules and bylaws;

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

371 5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's

372 rules, and the bylaws;

373 6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the

374 standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

375 7. Maintain and certify records and information provided to a Member State as the authenticated business

376 records of the Commission, and designate an agent to do so on the Commission's behalf;

377 8. Purchase and maintain insurance and bonds;

378 9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a

379 Member State;

380 10. Conduct an annual financial review;

381 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals

382 appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel

383 policies and programs relating to conflicts of interest, qualifications of personnel, and other related

384 personnel matters;

385 12. Assess and collect fees;

386 13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment,

387 supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the

388 Commission shall avoid any appearance of impropriety or conflict of interest;

389 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any

390 undivided interest therein;

391 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real,

392 personal, or mixed;

393 16. Establish a budget and make expenditures;

394 17. Borrow money;

395 18. Appoint committees, including standing committees, composed of members, state regulators, state

396 legislators or their representatives, and consumer representatives, and such other interested persons as may

397 be designated in this Compact and the bylaws;

398 19. Accept and transmit complaints from the public, regulatory or law-enforcement agencies, or the

399 Commission, to the relevant Member State(s) regarding potential misconduct of licensees;

400 20. Elect a chair, vice chair, secretary, and treasurer and such other officers of the Commission as

401 provided in the Commission's bylaws;

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

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

404 23. Determine whether a state's adopted language is materially different from the model Compact

405 language such that the state would not qualify for participation in the Compact; and

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

407 Compact.

408 D. The Executive Committee.

409 1. The Executive Committee shall have the power to act on behalf of the Commission according to the

410 terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

411 a. Overseeing the day-to-day activities of the administration of the Compact including compliance with

412 the provisions of the Compact, the Commission's rules and bylaws, and other such duties as deemed

413 necessary;

414 b. Recommending to the Commission changes to the rules or bylaws, changes to this Compact legislation,

415 fees charged to Compact Member States, fees charged to licensees, and other fees;

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

417 d. Preparing and recommending the budget;

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

419 f. Monitoring Compact compliance of Member States and providing compliance reports to the

420 Commission;

421 g. Establishing additional committees as necessary;

422 h. Exercise the powers and duties of the Commission during the interim between Commission meetings,

423 except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and

424 duties expressly reserved to the Commission by rule or bylaw; and

425 i. Other duties as provided in the rules or bylaws of the Commission.

426 2. The Executive Committee shall be composed of seven voting members and up to two ex-officio members

427 as follows:

428 a. The chair and vice chair of the Commission and any other members of the Commission who serve on

429 the Executive Committee shall be voting members of the Executive Committee; and

430 b. Other than the chair, vice-chair, secretary, and treasurer, the Commission shall elect three voting

431 members from the current membership of the Commission; and
432 c. The Commission may elect ex-officio, nonvoting members as necessary as follows:
433 (1) One ex-officio member who is a representative of the national association of state massage therapy
434 regulatory boards; and
435 (2) One ex-officio member as specified in the Commission's bylaws.
436 3. The Commission may remove any member of the Executive Committee as provided in the Commission's
437 bylaws.
438 4. The Executive Committee shall meet at least annually.
439 a. Executive Committee meetings shall be open to the public, except that the Executive Committee may
440 meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under
441 subdivision F 4.
442 b. The Executive Committee shall give five business days advance notice of its public meetings, posted on
443 its website and as determined to provide notice to persons with an interest in the public matters the Executive
444 Committee intends to address at those meetings.
445 5. The Executive Committee may hold an emergency meeting when acting for the Commission to:
446 a. Meet an imminent threat to public health, safety, or welfare;
447 b. Prevent a loss of Commission or participating state funds; or
448 c. Protect public health and safety.
449 E. The Commission shall adopt and provide to the Member States an annual report.
450 F. Meetings of the Commission.
451 1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the
452 public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior
453 to the public meeting.
454 2. Notwithstanding subdivision 1, the Commission may convene an emergency public meeting by
455 providing at least twenty-four (24) hours' prior notice on the Commission's website, and any other means as
456 provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed
457 rulemaking under subsection L of Article 10. The Commission's legal counsel shall certify that one of the
458 reasons justifying an emergency public meeting has been met.
459 3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the
460 meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the
461 notice shall include the mechanism for access to the meeting.
462 4. The Commission may convene in a closed, non-public meeting for the Commission to discuss:
463 a. Non-compliance of a Member State with its obligations under the Compact;
464 b. The employment, compensation, or discipline or other matters, practices, or procedures related to
465 specific employees or other matters related to the Commission's internal personnel practices and procedures;
466 c. Current or threatened discipline of a licensee by the Commission or by a Member State's licensing
467 authority;
468 d. Current, threatened, or reasonably anticipated litigation;
469 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
470 f. Accusing any person of a crime or formally censuring any person;
471 g. Trade secrets or commercial or financial information that is privileged or confidential;
472 h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of
473 personal privacy;
474 i. Investigative records compiled for law-enforcement purposes;
475 j. Information related to any investigative reports prepared by or on behalf of or for use of the
476 Commission or other committee charged with responsibility of investigation or determination of compliance
477 issues pursuant to the Compact;
478 k. Legal advice;
479 l. Matters specifically exempted from disclosure to the public by federal or Member State law; or
480 m. Other matters as promulgated by the Commission by rule.
481 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be
482 closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.
483 6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting
484 and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a
485 description of the views expressed. All documents considered in connection with an action shall be identified
486 in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release
487 only by a majority vote of the Commission or order of a court of competent jurisdiction.
488 G. Financing of the Commission.
489 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment,
490 organization, and ongoing activities.
491 2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of
492 money, equipment, supplies, materials, and services.

493 3. The Commission may levy on and collect an annual assessment from each Member State and impose
 494 fees on licensees of Member States to whom it grants a multistate license to cover the cost of the operations
 495 and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual
 496 budget as approved each year for which revenue is not provided by other sources. The aggregate annual
 497 assessment amount for Member States shall be allocated based upon a formula that the Commission shall
 498 promulgate by rule.

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

502 5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and
 503 disbursements of the Commission shall be subject to the financial review and accounting procedures
 504 established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be
 505 subject to an annual financial review by a certified or licensed public accountant, and the report of the
 506 financial review shall be included in and become part of the annual report of the Commission.

507 H. Qualified immunity, defense, and indemnification.

508 1. The members, officers, executive director, employees, and representatives of the Commission shall be
 509 immune from suit and liability, both personally and in their official capacity, for any claim for damage to or
 510 loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged
 511 act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable
 512 basis for believing occurred, within the scope of Commission employment, duties, or responsibilities,
 513 provided that nothing in this subdivision shall be construed to protect any such person from suit or liability
 514 for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that
 515 person. The procurement of insurance of any type by the Commission shall not in any way compromise or
 516 limit the immunity granted hereunder.

517 2. The Commission shall defend any member, officer, executive director, employee, and representative of
 518 the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error,
 519 or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as
 520 determined by the Commission that the person against whom the claim is made had a reasonable basis for
 521 believing occurred within the scope of Commission employment, duties, or responsibilities, provided that
 522 nothing herein shall be construed to prohibit that person from retaining his own counsel at his own expense,
 523 and provided further, that the actual or alleged act, error, or omission did not result from that person's
 524 intentional or willful or wanton misconduct.

525 3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee,
 526 and representative of the Commission for the amount of any settlement or judgment obtained against that
 527 person arising out of any actual or alleged act, error, or omission that occurred within the scope of
 528 Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing
 529 occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or
 530 alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that
 531 person.

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

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

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

Article 9. Data System.

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

542 B. The Commission shall assign each applicant for a multistate license a unique identifier, as determined
 543 by the rules of the Commission.

544 C. Notwithstanding any other provision of state law to the contrary, a Member State shall submit a
 545 uniform data set to the data system on all individuals to whom this Compact is applicable as required by the
 546 rules of the Commission, including:

547 1. Identifying information;

548 2. Licensure data;

549 3. Adverse actions against a license and information related thereto;

550 4. Non-confidential information related to alternative program participation, the beginning and ending
 551 dates of such participation, and other information related to such participation;

552 5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of
 553 any criminal history record information where prohibited by law);

554 6. The existence of investigative information;

7. The existence or presence of current significant investigative information; and
8. Other information that may facilitate the administration of this Compact or the protection of the public, determined by the rules of the Commission.

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.

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.

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

G. Member States contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

H. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the data system.

Article 10. Rulemaking.

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

B. The rules of the Commission shall have the force of law in each Member State, provided however that where the rules of the Commission conflict with the laws of the Member State that establish the Member State's scope of practice as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each rule.

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

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

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

G. Prior to adoption of a proposed rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed rule, the Commission shall provide a notice of proposed rulemaking:

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

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed rule;

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;

3. The text of the proposed rule and the reason therefor;

4. A request for comments on the proposed rule from any interested person; and

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

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.

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.

K. The Commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record.

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

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.

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

620 L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency
 621 rule with 24 hours' notice, provided that the usual rulemaking procedures provided in the Compact and in
 622 this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than
 623 ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is
 624 one that must be adopted immediately to:

- 625 1. Meet an imminent threat to public health, safety, or welfare;
- 626 2. Prevent a loss of Commission or Member State funds;
- 627 3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or
- 628 4. Protect public health and safety.

629 M. The Commission or an authorized committee of the Commission may direct revisions to a previously
 630 adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or
 631 grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The
 632 revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision
 633 may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall
 634 be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is
 635 made, the revision will take effect without further action. If the revision is challenged, the revision may not
 636 take effect without the approval of the Commission.

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

638 Article 11. Oversight, Dispute Resolution, and Enforcement.

639 A. Oversight.

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

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

647 3. The Commission shall be entitled to receive service of process in any proceeding regarding the
 648 enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for
 649 all purposes. Failure to provide the Commission service of process shall render a judgment or order void as
 650 to the Commission, this Compact, or promulgated rules.

651 B. Default, technical assistance, and termination.

652 1. If the Commission determines that a Member State has defaulted in the performance of its obligations
 653 or responsibilities under this Compact or the promulgated rules, the Commission shall provide written notice
 654 to the defaulting state. The notice of default shall describe the default, the proposed means of curing the
 655 default, and any other action that the Commission may take and shall offer training and specific technical
 656 assistance regarding the default.

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

658 C. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact
 659 upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and
 660 benefits conferred on that state by this Compact may be terminated on the effective date of termination. A
 661 cure of the default does not relieve the offending state of obligations or liabilities incurred during the period
 662 of default.

663 D. Termination of membership in the Compact shall be imposed only after all other means of securing
 664 compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission
 665 to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's
 666 state licensing authority and each of the Member States' state licensing authority.

667 E. a state that has been terminated is responsible for all assessments, obligations, and liabilities incurred
 668 through the effective date of termination, including obligations that extend beyond the effective date of
 669 termination.

670 F. Upon the termination of a state's membership from this Compact, that state shall immediately provide
 671 notice to all licensees who hold a multistate license within that state of such termination. The terminated state
 672 shall continue to recognize all licenses granted pursuant to this Compact for a minimum of one hundred
 673 eighty (180) days after the date of said notice of termination.

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

677 H. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for
 678 the District of Columbia or the federal district where the Commission has its principal offices. The prevailing

679 *party shall be awarded all costs of such litigation, including reasonable attorney fees.*

680 *I. Dispute resolution.*

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

683 *2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution*
*684 **for disputes as appropriate.***

685 *J. Enforcement.*

686 *1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this*
*687 **Compact and the Commission's rules.***

688 *2. By majority vote as provided by Commission rule, the Commission may initiate legal action against a*
*689 **Member State in default in the United States District Court for the District of Columbia or the federal district***
*690 **where the Commission has its principal offices to enforce compliance with the provisions of the Compact and***
*691 **its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial***
*692 **enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including***
*693 **reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The***
*694 **Commission may pursue any other remedies available under federal or the defaulting Member State's law.***

695 *3. A Member State may initiate legal action against the Commission in the U.S. District Court for the*
*696 **District of Columbia or the federal district where the Commission has its principal offices to enforce***
*697 **compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both***
*698 **injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be***
*699 **awarded all costs of such litigation, including reasonable attorney fees.***

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

701 *Article 12. Effective Date, Withdrawal, and Amendment.*

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

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

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

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

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

715 *3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the*
*716 **administration of the Compact prior to the effective date of the Compact or the Commission coming into***
*717 **existence shall be considered to be actions of the Commission unless specifically repudiated by the***
*718 **Commission.***

719 *4. Any state that joins the Compact shall be subject to the Commission's rules and bylaws as they exist on*
*720 **the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the***
*721 **Commission shall have the full force and effect of law on the day the Compact becomes law in that state.***

722 *B. Any Member State may withdraw from this Compact by enacting a statute repealing that state's*
*723 **enactment of the Compact.***

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

726 *2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to*
*727 **comply with the investigative and adverse action reporting requirements of this Compact prior to the effective***
*728 **date of withdrawal.***

729 *3. Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide*
*730 **notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory***
*731 **enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant***
*732 **to this Compact for a minimum of one hundred eighty (180) days after the date of such notice of withdrawal.***

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

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

738 *Article 13. Construction and Severability.*

739 *A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to*
*740 **effectuate the purposes and the implementation and administration of the Compact. Provisions of the***

741 *Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the*
 742 *Commission's rulemaking authority solely for those purposes.*

743 *B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of*
 744 *this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member*
 745 *State, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any*
 746 *government, agency, person, or circumstance is held to be unconstitutional by a court of competent*
 747 *jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other*
 748 *government, agency, person, or circumstance shall not be affected thereby.*

749 *C. Notwithstanding subsection B, the Commission may deny a state's participation in the Compact or, in*
 750 *accordance with the requirements of subsection B of Article 11, terminate a Member State's participation in*
 751 *the Compact, if it determines that a constitutional requirement of a Member State is a material departure*
 752 *from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member*
 753 *State, the Compact shall remain in full force and effect as to the remaining Member States and in full force*
 754 *and effect as to the Member State affected as to all severable matters.*

755 **Article 14. Consistent Effect and Conflict With Other State Laws.**

756 *Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not*
 757 *inconsistent with the Compact.*

758 *Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the*
 759 *Compact are superseded to the extent of the conflict.*

760 *All permissible agreements between the Commission and the Member States are binding in accordance*
 761 *with their terms.*

762 **2. That Article 5 (§§ 54.1-3029, 54.1-3029.1, and 54.1-3029.2) of Chapter 34.1 of Title 54.1 of the Code**
 763 **of Virginia is repealed.**

764 **3. That any applicant for a multistate license shall pay the costs of performing any background check**
 765 **required by the Interstate Massage Compact, as entered into by this act.**

766 **4. That pursuant to Article 12 of the Interstate Massage Compact (the Compact), as codified in**
 767 **§ 54.1-3499.1 of the Code of Virginia, as created by this act, the Compact shall become effective on the**
 768 **date the Compact is enacted by a seventh participating state or upon the effective date of this act,**
 769 **whichever is later.**

770 **5. That all authority, powers, case files, investigations, disciplinary actions, and records related to**
 771 **licensed massage therapists shall be transferred from the Board of Nursing to the Board of Physical**
 772 **Therapy upon enactment of this act.**

773 **6. That the Board of Physical Therapy shall promulgate any regulations necessary to implement the**
 774 **provisions of this act within six months of its enactment.**