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HOUSE BILL NO. 579

House Amendments in [] - January 30, 2026

A BILL to amend and reenact § 54.1-3029.2 of the Code of Virginia, relating to Interstate Massage Compact; education and examination requirements; Compact Commission membership.

Patron Prior to Engrossment—Delegate Glass

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3029.2 of the Code of Virginia is amended and reenacted as follows:
§ 54.1-3029.2. Interstate Massage Compact.

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

INTERSTATE MASSAGE COMPACT.

Article 1. Purpose.

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.

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

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.

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:

"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.

"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.

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

"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.

"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.

59 "Charter Member States" means Member States who have enacted legislation to adopt this Compact
60 where such legislation predates the effective date of this Compact as defined in Article 12.

61 "Commission" means the government agency whose membership consists of all states that have enacted
62 this Compact, which is known as the Interstate Massage Compact Commission, as defined in Article 8, and
63 which shall operate as an instrumentality of the Member States.

64 "Compact" means the Interstate Massage Compact.

65 "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of
66 participation in, and completion of, educational or professional activities that maintain, improve, or enhance
67 massage therapy fitness to practice.

68 "Current significant investigative information" means investigative information that a licensing authority,
69 after an inquiry or investigation that complies with a Member State's due process requirements, has reason to
70 believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding the
71 practice of massage therapy.

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

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

76 "Encumbrance" means a revocation or suspension of, or any limitation or condition on, the full and
77 unrestricted practice of massage therapy by a licensing authority.
78 "Executive Committee" means a group of delegates elected to act on behalf of and within

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

80 "Home state" means the Member State that is a licensee's primary state of residence where the licensee
81 holds an active single-state license.
82 "Investigative information" means information, records, or documents received or generated by a

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

84 "Licensee" means an individual who currently holds a license from a Member State to fully practice
85 massage therapy, whose license is not a student, provisional, temporary, inactive, or other similar status.
86 "Licensing authority" means a state's regulatory body responsible for issuing massage therapy licenses or

"Massage therapy," "massage therapy services," and the "practice of massage therapy" means the care and otherwise overseeing the practice of massage therapy in that state.

89 ~~Massage therapy, massage therapy services, and the practice of massage therapy. Means the care and~~
90 ~~services provided by a licensee as set forth in the Member State's statutes and regulations in the state where~~
~~the services are being provided.~~

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

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

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

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

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

102 "Single-state license" means a current, valid authorization issued by a Member State's licensing authority
103 allowing an individual to fully practice massage therapy, that is not a restricted, student, provisional,
104 temporary, or inactive practice authorization and authorizes practice only within the issuing state.
105 "State" means a state of the United States, the District of Columbia,

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

Article 3. Member State Requirements.

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

1. License and regulate the practice of massage therapy;
2. Have a mechanism or entity in place to receive and investigate complaints from the public, regulatory law-enforcement agencies, or the Commission about licensees practicing in that state;
3. Accept passage of a *psychometrically valid* national *licensing* examination as a criterion for massage therapy licensure in that state. *For purposes of this Compact, such examination shall not include a state-ministered examination but shall be inclusive of the following:*
 - a. *The Massage and Bodywork Licensure Examination;*
 - b. *[The A] National Certification Board for Therapeutic Massage and Bodywork [licensure examination prior to January 1, 2015; or*
 - c. *The substantial equivalent of the foregoing which the Commission may approve by rule;*
4. Require that licensees satisfy educational requirements prior to being licensed to provide massage therapy services to the public in that state;
5. Implement procedures for requiring the background check of applicants for a multistate license, and for

121 the reporting of any disqualifying events, including but not limited to obtaining and submitting, for each
 122 licensee holding a multistate license and each applicant for a multistate license, fingerprint or other
 123 biometric-based information to the Federal Bureau of Investigation for background checks; receiving the
 124 results of the Federal Bureau of Investigation record search on background checks and considering the results
 125 of such a background check in making licensure decisions;

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

127 7. Participate in the data system, including through the use of unique identifying numbers as described
 128 herein;

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

133 9. Comply with the rules of the Commission;

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

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

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

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

143 Article 4. Multistate License Requirements.

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

146 1. Hold an active single-state license to practice massage therapy in the applicant's home state;

147 2. ~~Have completed~~ Satisfy at least one of the following:

148 a. Completion of at least six hundred and twenty-five (625) clock hours of massage therapy education; or

149 b. Graduation from an educational program that meets the minimum qualifications for licensure in the
 150 home state and two (2) years of continuous licensure with a single-state license in good standing in the home
 151 state (except as provided in Article 7); or

152 c. Satisfaction of the substantial equivalent ~~that~~ of the foregoing which the Commission may approve by
 153 rule.

154 3. ~~Have passed~~ Successfully pass a psychometrically valid national ~~licensing~~ examination or the. For
 155 purposes of this Compact, such examination shall not include a state-administered examination but shall be
 156 inclusive of the following:

157 a. The Massage and Bodywork Licensure Examination;

158 b. The National Certification Board for Therapeutic Massage or Bodywork prior to January 1, 2015; or

159 c. The substantial equivalent of the foregoing which the Commission may approve by rule.

160 4. Submit to a background check;

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

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

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

172 a. Kidnapping;

173 b. Human trafficking;

174 c. Human smuggling;

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

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

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

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

181 10. Pay all required fees.

182 B. A multistate license granted pursuant to this Compact may be effective for a definite period of time

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183 concurrent with the renewal of the home state license.

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

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

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

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

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

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

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

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

Article 6. Adverse Actions.

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

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

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

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

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

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

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

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

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

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

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

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

244 duration of the licensee's participation in any alternative program.

245 I. Joint Investigations.

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

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

251 Article 7. Active Military Members and Their Spouses.

252 Active military members, or their spouses, shall designate a home state where the individual has a current
253 license to practice massage therapy in good standing. The individual may retain his home state designation
254 during any period of service when that individual or his spouse is on active duty assignment. *Further, active*
255 *military members, or their spouses, shall satisfy the requirements of subdivision A 2 of Article 4 by successful*
256 *graduation from an educational program that meets the minimum qualifications for licensure in the*
257 *designated home state.*

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

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

264 B. Membership, voting, and meetings.

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

267 2. The delegate shall be *the either:*

268 a. *A member of the state licensing authority; or*

269 b. *The primary administrative officer of the state licensing authority or his designee.*

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

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

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

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

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

279 C. The Commission shall have the following powers:

280 1. Establish the fiscal year of the Commission;

281 2. Establish code of conduct and conflict of interest policies;

282 3. Adopt rules and bylaws;

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

284 5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's
285 rules, and the bylaws;

286 6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the
287 standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

288 7. Maintain and certify records and information provided to a Member State as the authenticated business
289 records of the Commission, and designate an agent to do so on the Commission's behalf;

290 8. Purchase and maintain insurance and bonds;

291 9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a
292 Member State;

293 10. Conduct an annual financial review;

294 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals
295 appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel
296 policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel
297 matters;

298 12. Assess and collect fees;

299 13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment,
300 supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the
301 Commission shall avoid any appearance of impropriety or conflict of interest;

302 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any
303 undivided interest therein;

304 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real,
305 personal, or mixed;

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306 16. Establish a budget and make expenditures;

307 17. Borrow money;

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

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

310 designated in this Compact and the bylaws;

311 19. *The Commission may elect up to two ex officio, nonvoting members of the Commission as specified in*

312 *the Commission's bylaws.*

313 20. Accept and transmit complaints from the public, regulatory or law-enforcement agencies, or the

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

315 20. 21. Elect a chair, vice chair, secretary, and treasurer and such other officers of the Commission as

316 provided in the Commission's bylaws;

317 24. 22. Establish and elect an Executive Committee, including a chair and a vice chair;

318 22. 23. Adopt and provide to the Member States an annual report.

319 23. 24. Determine whether a state's adopted language is materially different from the model Compact

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

321 24. 25. Perform such other functions as may be necessary or appropriate to achieve the purposes of this

322 Compact.

323 D. The Executive Committee.

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

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

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

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

328 necessary;

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

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

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

332 d. Preparing and recommending the budget;

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

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

335 Commission;

336 g. Establishing additional committees as necessary;

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

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

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

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

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

342 members as follows:

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

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

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

346 members from the current membership of the Commission; ~~and~~

347 e. ~~The Commission may elect ex officio, nonvoting members as necessary as follows:~~

348 (1) ~~One ex officio member who is a representative of the national association of state massage therapy~~

349 ~~regulatory boards; and~~

350 (2) ~~One ex officio member as specified in the Commission's bylaws.~~

351 3. The Commission may remove any member of the Executive Committee as provided in the

352 Commission's bylaws.

353 4. The Executive Committee shall meet at least annually.

354 a. Executive Committee meetings shall be open to the public, except that the Executive Committee may

355 meet in a closed, non-public session of a public meeting when dealing with any of the matters covered under

356 subdivision F 4.

357 b. The Executive Committee shall give five business days advance notice of its public meetings, posted on

358 its website and as determined to provide notice to persons with an interest in the public matters the Executive

359 Committee intends to address at those meetings.

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

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

362 b. Prevent a loss of Commission or participating state funds; or

363 c. Protect public health and safety.

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

365 F. Meetings of the Commission.

366 1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the

367 public. Notice of public meetings shall be posted on the Commission's website at least thirty (30) days prior

368 to the public meeting.

369 2. Notwithstanding subdivision 1, the Commission may convene an emergency public meeting by
 370 providing at least twenty-four (24) hours' prior notice on the Commission's website, and any other means as
 371 provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed
 372 rulemaking under subsection L of Article 10. The Commission's legal counsel shall certify that one of the
 373 reasons justifying an emergency public meeting has been met.

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

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

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

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

381 c. Current or threatened discipline of a licensee by the Commission or by a Member State's licensing
 382 authority;

383 d. Current, threatened, or reasonably anticipated litigation;

384 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

385 f. Accusing any person of a crime or formally censuring any person;

386 g. Trade secrets or commercial or financial information that is privileged or confidential;

387 h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of
 388 personal privacy;

389 i. Investigative records compiled for law-enforcement purposes;

390 j. Information related to any investigative reports prepared by or on behalf of or for use of the
 391 Commission or other committee charged with responsibility of investigation or determination of compliance
 392 issues pursuant to the Compact;

393 k. Legal advice;

394 l. Matters specifically exempted from disclosure to the public by federal or Member State law; or

395 m. Other matters as promulgated by the Commission by rule.

396 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be
 397 closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

398 6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting
 399 and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a
 400 description of the views expressed. All documents considered in connection with an action shall be identified
 401 in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release
 402 only by a majority vote of the Commission or order of a court of competent jurisdiction.

403 G. Financing of the Commission.

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

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

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

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

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

422 H. Qualified immunity, defense, and indemnification.

423 1. The members, officers, executive director, employees, and representatives of the Commission shall be
 424 immune from suit and liability, both personally and in their official capacity, for any claim for damage to or
 425 loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act,
 426 error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for
 427 believing occurred, within the scope of Commission employment, duties, or responsibilities, provided that
 428 nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage,

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429 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The
430 procurement of insurance of any type by the Commission shall not in any way compromise or limit the
431 immunity granted hereunder.

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

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

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

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

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

Article 9. Data System.

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

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

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

461 1. Identifying information;
462 2. Licensure data;
463 3. Adverse actions against a license and information related thereto;
464 4. Non-confidential information related to alternative program participation, the beginning and ending
465 dates of such participation, and other information related to such participation;
466 5. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of
467 any criminal history record information where prohibited by law);
468 6. The existence of investigative information;
469 7. The existence or presence of current significant investigative information; and
470 8. Other information that may facilitate the administration of this Compact or the protection of the public,
471 as determined by the rules of the Commission.

472 D. The records and information provided to a Member State pursuant to this Compact or through the data
473 system, when certified by the Commission or an agent thereof, shall constitute the authenticated business
474 records of the Commission and shall be entitled to any associated hearsay exception in any relevant judicial,
475 quasi-judicial or administrative proceedings in a Member State.

476 E. The existence of current significant investigative information and the existence of investigative
477 information pertaining to a licensee in any Member State will only be available to other Member States.

478 F. It is the responsibility of the Member States to report any adverse action against a licensee who holds a
479 multistate license and to monitor the database to determine whether adverse action has been taken against
480 such a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant
481 in any Member State will be available to any other Member State.

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

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

Article 10. Rulemaking.

486 A. The Commission shall promulgate reasonable rules in order to effectively and efficiently implement
487 and administer the purposes and provisions of the Compact. A rule shall be invalid and have no force or

490 effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission
 491 exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the
 492 powers granted hereunder, or based upon another applicable standard of review.

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

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

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

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

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

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

- 510 1. On the website of the Commission or other publicly accessible platform;
- 511 2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and
- 512 3. In such other way(s) as the Commission may by rule specify.

513 H. The notice of proposed rulemaking shall include:

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

517 2. If the hearing is held via telecommunication, video conference, or other electronic means, the
 518 Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

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

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

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

522 I. All hearings will be recorded. A copy of the recording and all written comments and documents
 523 received by the Commission in response to the proposed rule shall be available to the public.

524 J. Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be
 525 grouped for the convenience of the Commission at hearings required by this article.

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

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

530 2. The Commission shall provide an explanation of the reasons for substantive changes made to the
 531 proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

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

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

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

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

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551 take effect without the approval of the Commission.

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

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

554 A. Oversight.

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

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

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

566 B. Default, technical assistance, and termination.

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

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

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

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

582 E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred
583 through the effective date of termination, including obligations that extend beyond the effective date of
584 termination.

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

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

592 H. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for
593 the District of Columbia or the federal district where the Commission has its principal offices. The prevailing
594 party shall be awarded all costs of such litigation, including reasonable attorney fees.

595 I. Dispute resolution.

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

598 2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution
599 for disputes as appropriate.

600 J. Enforcement.

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

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

610 3. A Member State may initiate legal action against the Commission in the U.S. District Court for the
611 District of Columbia or the federal district where the Commission has its principal offices to enforce

612 compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both
 613 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be
 614 awarded all costs of such litigation, including reasonable attorney fees.

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

616 Article 12. Effective Date, Withdrawal, and Amendment.

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

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

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

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

627 2. Member States enacting the Compact subsequent to the Charter Member States shall be subject to the
 628 process set forth in subdivision C ~~23~~ 24 of Article 8 to determine if their enactments are materially different
 629 from the model Compact statute and whether they qualify for participation in the Compact.

630 3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the
 631 administration of the Compact prior to the effective date of the Compact or the Commission coming into
 632 existence shall be considered to be actions of the Commission unless specifically repudiated by the
 633 Commission.

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

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

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

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

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

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

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

653 Article 13. Construction and Severability.

654 A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to
 655 effectuate the purposes and the implementation and administration of the Compact. Provisions of the
 656 Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the
 657 Commission's rulemaking authority solely for those purposes.

658 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of
 659 this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member
 660 State, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any
 661 government, agency, person, or circumstance is held to be unconstitutional by a court of competent
 662 jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other
 663 government, agency, person, or circumstance shall not be affected thereby.

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

670 Article 14. Consistent Effect and Conflict With Other State Laws.

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

673 Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the

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674 Compact are superseded to the extent of the conflict.

675 All permissible agreements between the Commission and the Member States are binding in accordance

676 with their terms.