



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1756

Introduced 2/5/2025, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Interstate Massage Compact. Provides that the State of Illinois enters into the Interstate Massage Compact. Provides that the purpose of the 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. Sets out provisions concerning member state requirements; multistate license requirements; the authority of the Interstate Massage Compact Commission and member state licensing authorities; adverse actions; active duty military members and the spouses of active duty military members; establishment and operation of the Interstate Massage Compact Commission; data systems; rulemaking; oversight, dispute resolution, and enforcement; the effective date of, withdrawal from, and amending the Compact; construction and severability; and conflicts with member state laws.

LRB104 10001 RTM 20071 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Interstate Massage Compact Act.

6 Section 5. Interstate Massage Compact. The State of
7 Illinois enters into the Interstate Massage Compact in
8 substantially the following form with all other states joining
9 the Compact:

10 INTERSTATE MASSAGE COMPACT

11 ARTICLE 1-PURPOSE

12 The purpose of this Compact is to reduce the burdens on
13 State governments and to facilitate the interstate practice
14 and regulation of Massage Therapy with the goal of improving
15 public access to, and the safety of, Massage Therapy Services.
16 Through this Compact, the Member States seek to establish a
17 regulatory framework which provides for a new multistate
18 licensing program. Through this additional licensing pathway,
19 the Member States seek to provide increased value and mobility
20 to licensed massage therapists in the Member States, while

1 ensuring the provision of safe, competent, and reliable
2 services to the public.

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

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

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

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

12 D. Encourage the cooperation of Member States in
13 regulating the multistate Practice of Massage Therapy;

14 E. Support relocating military members and their
15 spouses;

16 F. Facilitate and enhance the exchange of licensure,
17 investigative, and disciplinary information between the
18 Member States;

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

21 H. Allow a Member State to hold a Licensee
22 accountable, even where that Licensee holds a Multistate
23 License;

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

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

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

6 ARTICLE 2-DEFINITIONS

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

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

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

23 C. "Alternative Program" - a non-disciplinary monitoring
24 or prosecutorial diversion program approved by a Member

1 State's Licensing Authority.

2 D. "Authorization to Practice" - a legal authorization by
3 a Remote State pursuant to a Multistate License permitting the
4 Practice of Massage Therapy in that Remote State, which shall
5 be subject to the enforcement jurisdiction of the Licensing
6 Authority in that Remote State.

7 E. "Background Check" - the submission of an applicant's
8 criminal history record information, as further defined in 28
9 C.F.R. § 20.3(d), as amended from the Federal Bureau of
10 Investigation and the agency responsible for retaining State
11 criminal records in the applicant's Home State.

12 F. "Charter Member States" - Member States who have
13 enacted legislation to adopt this Compact where such
14 legislation predates the effective date of this Compact as
15 defined in Article 12.

16 G. "Commission" - the government agency whose membership
17 consists of all States that have enacted this Compact, which
18 is known as the Interstate Massage Compact Commission, as
19 defined in Article 8, and which shall operate as an
20 instrumentality of the Member States.

21 H. "Continuing Competence" - a requirement, as a condition
22 of license renewal, to provide evidence of participation in,
23 and completion of, educational or professional activities that
24 maintain, improve, or enhance Massage Therapy fitness to
25 practice.

26 I. "Current Significant Investigative Information" -

1 Investigative Information that a Licensing Authority, after an
2 inquiry or investigation that complies with a Member State's
3 due process requirements, has reason to believe is not
4 groundless and, if proved true, would indicate a violation of
5 that State's laws regarding the Practice of Massage Therapy.

6 J. "Data System" - a repository of information about
7 Licensees who hold Multistate Licenses, which may include but
8 is not limited to license status, Investigative Information,
9 and Adverse Actions.

10 K. "Disqualifying Event" - any event which shall
11 disqualify an individual from holding a Multistate License
12 under this Compact, which the Commission may by Rule specify.

13 L. "Encumbrance" - a revocation or suspension of, or any
14 limitation or condition on, the full and unrestricted Practice
15 of Massage Therapy by a Licensing Authority.

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

19 N. "Home State" - means the Member State which is a
20 Licensee's primary state of residence where the Licensee holds
21 an active Single-State License.

22 O. "Investigative Information" - information, records, or
23 documents received or generated by a Licensing Authority
24 pursuant to an investigation or other inquiry.

25 P. "Licensing Authority" - a State's regulatory body
26 responsible for issuing Massage Therapy licenses or otherwise

1 overseeing the Practice of Massage Therapy in that State.

2 Q. "Licensee" - an individual who currently holds a
3 license from a Member State to fully practice Massage Therapy,
4 whose license is not a student, provisional, temporary,
5 inactive, or other similar status.

6 R. "Massage Therapy", "Massage Therapy Services", and the
7 "Practice of Massage Therapy" - the care and services provided
8 by a Licensee as set forth in the Member State's statutes and
9 regulations in the State where the services are being
10 provided.

11 S. "Member State" - any State that has adopted this
12 Compact.

13 T. "Multistate License" - a license that consists of
14 Authorizations to Practice Massage Therapy in all Remote
15 States pursuant to this Compact, which shall be subject to the
16 enforcement jurisdiction of the Licensing Authority in a
17 Licensee's Home State.

18 U. "National Licensing Examination" - A national
19 examination developed by a national association of Massage
20 Therapy regulatory boards, as defined by Commission Rule, that
21 is derived from a practice analysis and is consistent with
22 generally accepted psychometric principles of fairness,
23 validity and reliability, and is administered under secure and
24 confidential examination protocols.

25 V. "Remote State" - any Member State, other than the
26 Licensee's Home State.

1 W. "Rule" - any opinion or regulation promulgated by the
2 Commission under this Compact, which shall have the force of
3 law.

4 X. "Single-State License" - a current, valid authorization
5 issued by a Member State's Licensing Authority allowing an
6 individual to fully practice Massage Therapy, that is not a
7 restricted, student, provisional, temporary, or inactive
8 practice authorization and authorizes practice only within the
9 issuing State.

10 Y. "State" - a state, territory, possession of the United
11 States, or the District of Columbia.

12 ARTICLE 3-MEMBER STATE REQUIREMENTS

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

15 1. License and regulate the Practice of Massage
16 Therapy;

17 2. Have a mechanism or entity in place to receive and
18 investigate complaints from the public, regulatory or law
19 enforcement agencies, or the Commission about Licensees
20 practicing in that State;

21 3. Accept passage of a National Licensing Examination
22 as a criterion for Massage Therapy licensure in that
23 State;

24 4. Require that Licensees satisfy educational

1 requirements prior to being licensed to provide Massage
2 Therapy Services to the public in that State;

3 5. Implement procedures for requiring the Background
4 Check of applicants for a Multistate License, and for the
5 reporting of any Disqualifying Events, including but not
6 limited to obtaining and submitting, for each Licensee
7 holding a Multistate License and each applicant for a
8 Multistate License, fingerprint or other biometric-based
9 information to the Federal Bureau of Investigation for
10 Background Checks; receiving the results of the Federal
11 Bureau of Investigation record search on Background Checks
12 and considering the results of such a Background Check in
13 making licensure decisions;

14 6. Have Continuing Competence requirements as a
15 condition for license renewal;

16 7. Participate in the Data System, including through
17 the use of unique identifying numbers as described herein;

18 8. Notify the Commission and other Member States, in
19 compliance with the terms of the Compact and Rules of the
20 Commission, of any disciplinary action taken by the State
21 against a Licensee practicing under a Multistate License
22 in that State, or of the existence of Investigative
23 Information or Current Significant Investigative
24 Information regarding a Licensee practicing in that State
25 pursuant to a Multistate License;

26 9. Comply with the Rules of the Commission;

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

3 B. Individuals not residing in a Member State shall
4 continue to be able to apply for a Member State's Single-State
5 License as provided under the laws of each Member State.
6 However, the Single-State License granted to those individuals
7 shall not be recognized as granting a Multistate License for
8 Massage Therapy in any other Member State;

9 C. Nothing in this Compact shall affect the requirements
10 established by a Member State for the issuance of a
11 Single-State License; and

12 D. A Multistate License issued to a Licensee shall be
13 recognized by each Remote State as an Authorization to
14 Practice Massage Therapy in each Remote State.

15 ARTICLE 4-MULTISTATE LICENSE REQUIREMENTS

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

19 1. Hold an active Single-State License to practice
20 Massage Therapy in the applicant's Home State;

21 2. Have completed at least six hundred and twenty-five
22 (625) clock hours of Massage Therapy education or the
23 substantial equivalent which the Commission may approve by
24 Rule.

1 3. Have passed a National Licensing Examination or the
2 substantial equivalent which the Commission may approve by
3 Rule.

4 4. Submit to a Background Check;

5 5. Have not been convicted or found guilty, or have
6 entered into an agreed disposition, of a felony offense
7 under applicable State or federal criminal law, within
8 five (5) years prior to the date of their application,
9 where such a time period shall not include any time served
10 for the offense, and provided that the applicant has
11 completed any and all requirements arising as a result of
12 any such offense;

13 6. Have not been convicted or found guilty, or have
14 entered into an agreed disposition, of a misdemeanor
15 offense related to the Practice of Massage Therapy under
16 applicable State or federal criminal law, within two (2)
17 years prior to the date of their application where such a
18 time period shall not include any time served for the
19 offense, and provided that the applicant has completed any
20 and all requirements arising as a result of any such
21 offense;

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

26 a. Kidnapping;

- 1 b. Human trafficking;
- 2 c. Human smuggling;
- 3 d. Sexual battery, sexual assault, or any related
- 4 offenses; or

5 e. Any other category of offense which the

6 Commission may by Rule designate.

7 8. Have not previously held a Massage Therapy license

8 which was revoked by, or surrendered in lieu of discipline

9 to an applicable Licensing Authority;

10 9. Have no history of any Adverse Action on any

11 occupational or professional license within two (2) years

12 prior to the date of their application; and

13 10. Pay all required fees.

14 B. A Multistate License granted pursuant to this Compact

15 may be effective for a definite period of time concurrent with

16 the renewal of the Home State license.

17 C. A Licensee practicing in a Member State is subject to

18 all scope of practice laws governing Massage Therapy Services

19 in that State.

20 D. The Practice of Massage Therapy under a Multistate

21 License granted pursuant to this Compact will subject the

22 Licensee to the jurisdiction of the Licensing Authority, the

23 courts, and the laws of the Member State in which the Massage

24 Therapy Services are provided.

1 COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

2 A. Nothing in this Compact, nor any Rule of the
3 Commission, shall be construed to limit, restrict, or in any
4 way reduce the ability of a Member State to enact and enforce
5 laws, regulations, or other rules related to the Practice of
6 Massage Therapy in that State, where those laws, regulations,
7 or other rules are not inconsistent with the provisions of
8 this Compact.

9 B. Nothing in this Compact, nor any Rule of the
10 Commission, shall be construed to limit, restrict, or in any
11 way reduce the ability of a Member State to take Adverse Action
12 against a Licensee's Single-State License to practice Massage
13 Therapy in that State.

14 C. Nothing in this Compact, nor any Rule of the
15 Commission, shall be construed to limit, restrict, or in any
16 way reduce the ability of a Remote State to take Adverse Action
17 against a Licensee's Authorization to Practice in that State.

18 D. Nothing in this Compact, nor any Rule of the
19 Commission, shall be construed to limit, restrict, or in any
20 way reduce the ability of a Licensee's Home State to take
21 Adverse Action against a Licensee's Multistate License based
22 upon information provided by a Remote State.

23 E. Insofar as practical, a Member State's Licensing
24 Authority shall cooperate with the Commission and with each
25 entity exercising independent regulatory authority over the

1 Practice of Massage Therapy according to the provisions of
2 this Compact.

3 ARTICLE 6-ADVERSE ACTIONS

4 A. A Licensee's Home State shall have exclusive power to
5 impose an Adverse Action against a Licensee's Multistate
6 License issued by the Home State.

7 B. A Home State may take Adverse Action on a Multistate
8 License based on the Investigative Information, Current
9 Significant Investigative Information, or Adverse Action of a
10 Remote State.

11 C. A Home State shall retain authority to complete any
12 pending investigations of a Licensee practicing under a
13 Multistate License who changes their Home State during the
14 course of such an investigation. The Licensing Authority shall
15 also be empowered to report the results of such an
16 investigation to the Commission through the Data System as
17 described herein.

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

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

22 1. Take Adverse Actions against a Licensee's
23 Authorization to Practice;

24 2. Issue cease and desist orders or impose an

1 Encumbrance on a Licensee's Authorization to Practice in
2 that State.

3 3. Issue subpoenas for both hearings and
4 investigations that require the attendance and testimony
5 of witnesses, as well as the production of evidence.
6 Subpoenas issued by a Licensing Authority in a Member
7 State for the attendance and testimony of witnesses or the
8 production of evidence from another Member State shall be
9 enforced in the latter State by any court of competent
10 jurisdiction, according to the practice and procedure of
11 that court applicable to subpoenas issued in proceedings
12 before it. The issuing Licensing Authority shall pay any
13 witness fees, travel expenses, mileage, and other fees
14 required by the service statutes of the State in which the
15 witnesses or evidence are located.

16 4. If otherwise permitted by State law, recover from
17 the affected Licensee the costs of investigations and
18 disposition of cases resulting from any Adverse Action
19 taken against that Licensee.

20 5. Take Adverse Action against the Licensee's
21 Authorization to Practice in that State based on the
22 factual findings of another Member State.

23 F. If an Adverse Action is taken by the Home State against
24 a Licensee's Multistate License or Single-State License to
25 practice in the Home State, the Licensee's Authorization to
26 Practice in all other Member States shall be deactivated until

1 all Encumbrances have been removed from such license. All Home
2 State disciplinary orders that impose an Adverse Action
3 against a Licensee shall include a statement that the Massage
4 Therapist's Authorization to Practice is deactivated in all
5 Member States during the pendency of the order.

6 G. If Adverse Action is taken by a Remote State against a
7 Licensee's Authorization to Practice, that Adverse Action
8 applies to all Authorizations to Practice in all Remote
9 States. A Licensee whose Authorization to Practice in a Remote
10 State is removed for a specified period of time is not eligible
11 to apply for a new Multistate License in any other State until
12 the specific time for removal of the Authorization to Practice
13 has passed and all encumbrance requirements are satisfied.

14 H. Nothing in this Compact shall override a Member State's
15 authority to accept a Licensee's participation in an
16 Alternative Program in lieu of Adverse Action. A Licensee's
17 Multistate License shall be suspended for the duration of the
18 Licensee's participation in any Alternative Program.

19 I. Joint Investigations

20 1. In addition to the authority granted to a Member
21 State by its respective scope of practice laws or other
22 applicable State law, a Member State may participate with
23 other Member States in joint investigations of Licensees.

24 2. Member States shall share any investigative,
25 litigation, or compliance materials in furtherance of any
26 joint or individual investigation initiated under the

1 Compact.

2 ARTICLE 7-ACTIVE MILITARY MEMBER AND THEIR SPOUSES

3 Active Military Member, or their spouses, shall designate
4 a Home State where the individual has a current license to
5 practice Massage Therapy in good standing. The individual may
6 retain their Home State designation during any period of
7 service when that individual or their spouse is on active duty
8 assignment.

9 ARTICLE 8-ESTABLISHMENT AND OPERATION OF INTERSTATE
10 MASSAGE COMPACT COMMISSION

11 A. The Compact Member States hereby create and establish a
12 joint government agency whose membership consists of all
13 Member States that have enacted the Compact known as the
14 Interstate Massage Compact Commission. The Commission is an
15 instrumentality of the Compact States acting jointly and not
16 an instrumentality of any one State. The Commission shall come
17 into existence on or after the effective date of the Compact as
18 set forth in Article 12.

19 B. Membership, Voting, and Meetings

20 1. Each Member State shall have and be limited to one
21 (1) delegate selected by that Member State's State
22 Licensing Authority.

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

4 3. The Commission shall by Rule or bylaw establish a
5 term of office for delegates and may by Rule or bylaw
6 establish term limits.

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

9 5. A Member State's State Licensing Authority shall
10 fill any vacancy of its delegate occurring on the
11 Commission within 60 days of the vacancy.

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

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

19 C. The Commission shall have the following powers:

20 1. Establish the fiscal year of the Commission;

21 2. Establish code of conduct and conflict of interest
22 policies;

23 3. Adopt Rules and bylaws;

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

26 5. Meet and take such actions as are consistent with

1 the provisions of this Compact, the Commission's Rules,
2 and the bylaws;

3 6. Initiate and conclude legal proceedings or actions
4 in the name of the Commission, provided that the standing
5 of any State Licensing Authority to sue or be sued under
6 applicable law shall not be affected;

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

11 8. Purchase and maintain insurance and bonds;

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

15 10. Conduct an annual financial review;

16 11. Hire employees, elect or appoint officers, fix
17 compensation, define duties, grant such individuals
18 appropriate authority to carry out the purposes of the
19 Compact, and establish the Commission's personnel policies
20 and programs relating to conflicts of interest,
21 qualifications of personnel, and other related personnel
22 matters;

23 12. Assess and collect fees;

24 13. Accept any and all appropriate gifts, donations,
25 grants of money, other sources of revenue, equipment,
26 supplies, materials, and services, and receive, utilize,

1 and dispose of the same; provided that at all times the
2 Commission shall avoid any appearance of impropriety or
3 conflict of interest;

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

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

10 16. Establish a budget and make expenditures;

11 17. Borrow money;

12 18. Appoint committees, including standing committees,
13 composed of members, State regulators, State legislators
14 or their representatives, and consumer representatives,
15 and such other interested persons as may be designated in
16 this Compact and the bylaws;

17 19. Accept and transmit complaints from the public,
18 regulatory or law enforcement agencies, or the Commission,
19 to the relevant Member State(s) regarding potential
20 misconduct of Licensees;

21 20. Elect a Chair, Vice Chair, Secretary and Treasurer
22 and such other officers of the Commission as provided in
23 the Commission's bylaws;

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

26 22. Adopt and provide to the Member States an annual

1 report.

2 23. Determine whether a State's adopted language is
3 materially different from the model Compact language such
4 that the State would not qualify for participation in the
5 Compact; and

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

8 D. The Executive Committee

9 1. The Executive Committee shall have the power to act
10 on behalf of the Commission according to the terms of this
11 Compact. The powers, duties, and responsibilities of the
12 Executive Committee shall include:

13 a. Overseeing the day-to-day activities of the
14 administration of the Compact including compliance
15 with the provisions of the Compact, the Commission's
16 Rules and bylaws, and other such duties as deemed
17 necessary;

18 b. Recommending to the Commission changes to the
19 Rules or bylaws, changes to this Compact legislation,
20 fees charged to Compact Member States, fees charged to
21 Licensees, and other fees;

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

24 d. Preparing and recommending the budget;

25 e. Maintaining financial records on behalf of the
26 Commission;

1 f. Monitoring Compact compliance of Member States
2 and providing compliance reports to the Commission;

3 g. Establishing additional committees as
4 necessary;

5 h. Exercise the powers and duties of the
6 Commission during the interim between Commission
7 meetings, except for adopting or amending Rules,
8 adopting or amending bylaws, and exercising any other
9 powers and duties expressly reserved to the Commission
10 by Rule or bylaw; and

11 i. Other duties as provided in the Rules or bylaws
12 of the Commission.

13 2. The Executive Committee shall be composed of seven
14 voting members and up to two ex-officio members as
15 follows:

16 a. The chair and vice chair of the Commission and
17 any other members of the Commission who serve on the
18 Executive Committee shall be voting members of the
19 Executive Committee; and

20 b. Other than the chair, vice-chair, secretary and
21 treasurer, the Commission shall elect three voting
22 members from the current membership of the Commission.

23 c. The Commission may elect ex-officio, nonvoting
24 members as necessary as follows:

25 i. One ex-officio member who is a
26 representative of the national association of

1 State Massage Therapy regulatory boards

2 ii. One ex-officio member as specified in the
3 Commission's bylaws.

4 3. The Commission may remove any member of the
5 Executive Committee as provided in the Commission's
6 bylaws.

7 4. The Executive Committee shall meet at least
8 annually.

9 a. Executive Committee meetings shall be open to
10 the public, except that the Executive Committee may
11 meet in a closed, non-public session of a public
12 meeting when dealing with any of the matters covered
13 under subsection F.4.

14 b. The Executive Committee shall give five
15 business days advance notice of its public meetings,
16 posted on its website and as determined to provide
17 notice to persons with an interest in the public
18 matters the Executive Committee intends to address at
19 those meetings.

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

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

24 b. Prevent a loss of Commission or Participating
25 State funds; or

26 c. Protect public health and safety.

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

3 F. Meetings of the Commission

4 1. All meetings of the Commission that are not closed
5 pursuant to this subsection shall be open to the public.
6 Notice of public meetings shall be posted on the
7 Commission's website at least thirty (30) days prior to
8 the public meeting.

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

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

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

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

1 b. The employment, compensation, discipline or
2 other matters, practices or procedures related to
3 specific employees or other matters related to the
4 Commission's internal personnel practices and
5 procedures;

6 c. Current or threatened discipline of a Licensee
7 by the Commission or by a Member State's Licensing
8 Authority;

9 d. Current, threatened, or reasonably anticipated
10 litigation;

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

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

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

17 h. Information of a personal nature where
18 disclosure would constitute a clearly unwarranted
19 invasion of personal privacy;

20 i. Investigative records compiled for law
21 enforcement purposes;

22 j. Information related to any investigative
23 reports prepared by or on behalf of or for use of the
24 Commission or other committee charged with
25 responsibility of investigation or determination of
26 compliance issues pursuant to the Compact;

- 1 k. Legal advice;
- 2 l. Matters specifically exempted from disclosure
- 3 to the public by federal or Member State law; or
- 4 m. Other matters as promulgated by the Commission
- 5 by Rule.

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

10 The Commission shall keep minutes that fully and clearly
11 describe all matters discussed in a meeting and shall provide
12 a full and accurate summary of actions taken, and the reasons
13 therefore, including a description of the views expressed. All
14 documents considered in connection with an action shall be
15 identified in such minutes. All minutes and documents of a
16 closed meeting shall remain under seal, subject to release
17 only by a majority vote of the Commission or order of a court
18 of competent jurisdiction.

19 G. Financing of the Commission

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

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

26 3. The Commission may levy on and collect an annual

1 assessment from each Member State and impose fees on
2 Licensees of Member States to whom it grants a Multistate
3 License to cover the cost of the operations and activities
4 of the Commission and its staff, which must be in a total
5 amount sufficient to cover its annual budget as approved
6 each year for which revenue is not provided by other
7 sources. The aggregate annual assessment amount for Member
8 States shall be allocated based upon a formula that the
9 Commission shall promulgate by Rule.

10 4. The Commission shall not incur obligations of any
11 kind prior to securing the funds adequate to meet the
12 same; nor shall the Commission pledge the credit of any
13 Member States, except by and with the authority of the
14 Member State.

15 5. The Commission shall keep accurate accounts of all
16 receipts and disbursements. The receipts and disbursements
17 of the Commission shall be subject to the financial review
18 and accounting procedures established under its bylaws.
19 All receipts and disbursements of funds handled by the
20 Commission shall be subject to an annual financial review
21 by a certified or licensed public accountant, and the
22 report of the financial review shall be included in and
23 become part of the annual report of the Commission.

24 H. Qualified Immunity, Defense, and Indemnification

25 1. The members, officers, executive director,
26 employees and representatives of the Commission shall be

1 immune from suit and liability, both personally and in
2 their official capacity, for any claim for damage to or
3 loss of property or personal injury or other civil
4 liability caused by or arising out of any actual or
5 alleged act, error, or omission that occurred, or that the
6 person against whom the claim is made had a reasonable
7 basis for believing occurred within the scope of
8 Commission employment, duties or responsibilities;
9 provided that nothing in this paragraph shall be construed
10 to protect any such person from suit or liability for any
11 damage, loss, injury, or liability caused by the
12 intentional or willful or wanton misconduct of that
13 person. The procurement of insurance of any type by the
14 Commission shall not in any way compromise or limit the
15 immunity granted hereunder.

16 2. The Commission shall defend any member, officer,
17 executive director, employee, and representative of the
18 Commission in any civil action seeking to impose liability
19 arising out of any actual or alleged act, error, or
20 omission that occurred within the scope of Commission
21 employment, duties, or responsibilities, or as determined
22 by the Commission that the person against whom the claim
23 is made had a reasonable basis for believing occurred
24 within the scope of Commission employment, duties, or
25 responsibilities; provided that nothing herein shall be
26 construed to prohibit that person from retaining their own

1 counsel at their own expense; and provided further, that
2 the actual or alleged act, error, or omission did not
3 result from that person's intentional or willful or wanton
4 misconduct.

5 3. The Commission shall indemnify and hold harmless
6 any member, officer, executive director, employee, and
7 representative of the Commission for the amount of any
8 settlement or judgment obtained against that person
9 arising out of any actual or alleged act, error, or
10 omission that occurred within the scope of Commission
11 employment, duties, or responsibilities, or that such
12 person had a reasonable basis for believing occurred
13 within the scope of Commission employment, duties, or
14 responsibilities, provided that the actual or alleged act,
15 error, or omission did not result from the intentional or
16 willful or wanton misconduct of that person.

17 4. Nothing herein shall be construed as a limitation
18 on the liability of any Licensee for professional
19 malpractice or misconduct, which shall be governed solely
20 by any other applicable State laws.

21 5. Nothing in this Compact shall be interpreted to
22 waive or otherwise abrogate a Member State's State action
23 immunity or State action affirmative defense with respect
24 to antitrust claims under the Sherman Act, Clayton Act, or
25 any other State or federal antitrust or anticompetitive
26 law or regulation.

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

4 ARTICLE 9-DATA SYSTEM

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

8 B. The Commission shall assign each applicant for a
9 Multistate License a unique identifier, as determined by the
10 Rules of the Commission.

11 C. Notwithstanding any other provision of State law to the
12 contrary, a Member State shall submit a uniform data set to the
13 Data System on all individuals to whom this Compact is
14 applicable as required by the Rules of the Commission,
15 including:

16 1. Identifying information;

17 2. Licensure data;

18 3. Adverse Actions against a license and information
19 related thereto;

20 4. Non-confidential information related to Alternative
21 Program participation, the beginning and ending dates of
22 such participation, and other information related to such
23 participation;

24 5. Any denial of application for licensure, and the

1 reason(s) for such denial (excluding the reporting of any
2 criminal history record information where prohibited by
3 law);

4 6. The existence of Investigative Information;

5 7. The existence presence of Current Significant
6 Investigative Information; and

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

10 D. The records and information provided to a Member State
11 pursuant to this Compact or through the Data System, when
12 certified by the Commission or an agent thereof, shall
13 constitute the authenticated business records of the
14 Commission, and shall be entitled to any associated hearsay
15 exception in any relevant judicial, quasi-judicial or
16 administrative proceedings in a Member State.

17 E. The existence of Current Significant Investigative
18 Information and the existence of Investigative Information
19 pertaining to a Licensee in any Member State will only be
20 available to other Member States.

21 F. It is the responsibility of the Member States to report
22 any Adverse Action against a Licensee who holds a Multistate
23 License and to monitor the database to determine whether
24 Adverse Action has been taken against such a Licensee or
25 License applicant. Adverse Action information pertaining to a
26 Licensee or License applicant in any Member State will be

1 available to any other Member State.

2 G. Member States contributing information to the Data
3 System may designate information that may not be shared with
4 the public without the express permission of the contributing
5 State.

6 H. Any information submitted to the Data System that is
7 subsequently expunged pursuant to federal law or the laws of
8 the Member State contributing the information shall be removed
9 from the Data System.

10 ARTICLE 10-RULEMAKING

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

20 B. The Rules of the Commission shall have the force of law
21 in each Member State, provided however that where the Rules of
22 the Commission conflict with the laws of the Member State that
23 establish the Member State's scope of practice as held by a
24 court of competent jurisdiction, the Rules of the Commission

1 shall be ineffective in that State to the extent of the
2 conflict.

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

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

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

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

18 G. Prior to adoption of a proposed Rule by the Commission,
19 and at least thirty (30) days in advance of the meeting at
20 which the Commission will hold a public hearing on the
21 proposed Rule, the Commission shall provide a Notice of
22 Proposed Rulemaking:

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

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

1 3. In such other way(s) as the Commission may by Rule
2 specify.

3 H. The Notice of Proposed Rulemaking shall include:

4 1. The time, date, and location of the public hearing
5 at which the Commission will hear public comments on the
6 proposed Rule and, if different, the time, date, and
7 location of the meeting where the Commission will consider
8 and vote on the proposed Rule;

9 2. If the hearing is held via telecommunication, video
10 conference, or other electronic means, the Commission
11 shall include the mechanism for access to the hearing in
12 the Notice of Proposed Rulemaking;

13 3. The text of the proposed Rule and the reason
14 therefor;

15 4. A request for comments on the proposed Rule from
16 any interested person; and

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

19 I. All hearings will be recorded. A copy of the recording
20 and all written comments and documents received by the
21 Commission in response to the proposed Rule shall be available
22 to the public.

23 J. Nothing in this article shall be construed as requiring
24 a separate hearing on each Rule. Rules may be grouped for the
25 convenience of the Commission at hearings required by this
26 article.

1 K. The Commission shall, by majority vote of all
2 Commissioners, take final action on the proposed Rule based on
3 the Rulemaking record.

4 1. The Commission may adopt changes to the proposed
5 Rule provided the changes do not enlarge the original
6 purpose of the proposed Rule.

7 2. The Commission shall provide an explanation of the
8 reasons for substantive changes made to the proposed Rule
9 as well as reasons for substantive changes not made that
10 were recommended by commenters.

11 3. The Commission shall determine a reasonable
12 effective date for the Rule. Except for an emergency as
13 provided in subsection L, the effective date of the Rule
14 shall be no sooner than thirty (30) days after the
15 Commission issuing the notice that it adopted or amended
16 the Rule.

17 L. Upon determination that an emergency exists, the
18 Commission may consider and adopt an emergency Rule with 24
19 hours notice, provided that the usual Rulemaking procedures
20 provided in the Compact and in this article shall be
21 retroactively applied to the Rule as soon as reasonably
22 possible, in no event later than ninety (90) days after the
23 effective date of the Rule. For the purposes of this
24 provision, an emergency Rule is one that must be adopted
25 immediately to:

26 1. Meet an imminent threat to public health, safety,

1 or welfare;

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

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

5 4. Protect public health and safety.

6 M. The Commission or an authorized committee of the
7 Commission may direct revisions to a previously adopted Rule
8 for purposes of correcting typographical errors, errors in
9 format, errors in consistency, or grammatical errors. Public
10 notice of any revisions shall be posted on the website of the
11 Commission. The revision shall be subject to challenge by any
12 person for a period of thirty (30) days after posting. The
13 revision may be challenged only on grounds that the revision
14 results in a material change to a Rule. A challenge shall be
15 made in writing and delivered to the Commission prior to the
16 end of the notice period. If no challenge is made, the revision
17 will take effect without further action. If the revision is
18 challenged, the revision may not take effect without the
19 approval of the Commission.

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

22 ARTICLE 11-OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

23 A. Oversight

24 1. The executive and judicial branches of State

1 government in each Member State shall enforce this Compact
2 and take all actions necessary and appropriate to
3 implement the Compact.

4 2. Venue is proper and judicial proceedings by or
5 against the Commission shall be brought solely and
6 exclusively in a court of competent jurisdiction where the
7 principal office of the Commission is located. The
8 Commission may waive venue and jurisdictional defenses to
9 the extent it adopts or consents to participate in
10 alternative dispute resolution proceedings. Nothing herein
11 shall affect or limit the selection or propriety of venue
12 in any action against a Licensee for professional
13 malpractice, misconduct or any such similar matter.

14 3. The Commission shall be entitled to receive service
15 of process in any proceeding regarding the enforcement or
16 interpretation of the Compact and shall have standing to
17 intervene in such a proceeding for all purposes. Failure
18 to provide the Commission service of process shall render
19 a judgment or order void as to the Commission, this
20 Compact, or promulgated Rules.

21 B. Default, Technical Assistance, and Termination

22 1. If the Commission determines that a Member State
23 has defaulted in the performance of its obligations or
24 responsibilities under this Compact or the promulgated
25 Rules, the Commission shall provide written notice to the
26 defaulting State. The notice of default shall describe the

1 default, the proposed means of curing the default, and any
2 other action that the Commission may take, and shall offer
3 training and specific technical assistance regarding the
4 default.

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

7 C. If a State in default fails to cure the default, the
8 defaulting State may be terminated from the Compact upon an
9 affirmative vote of a majority of the delegates of the Member
10 States, and all rights, privileges and benefits conferred on
11 that State by this Compact may be terminated on the effective
12 date of termination. A cure of the default does not relieve the
13 offending State of obligations or liabilities incurred during
14 the period of default.

15 D. Termination of membership in the Compact shall be
16 imposed only after all other means of securing compliance have
17 been exhausted. Notice of intent to suspend or terminate shall
18 be given by the Commission to the governor, the majority and
19 minority leaders of the defaulting State's legislature, the
20 defaulting State's State Licensing Authority and each of the
21 Member States' State Licensing Authority.

22 E. A State that has been terminated is responsible for all
23 assessments, obligations, and liabilities incurred through the
24 effective date of termination, including obligations that
25 extend beyond the effective date of termination.

26 F. Upon the termination of a State's membership from this

1 Compact, that State shall immediately provide notice to all
2 Licensees who hold a Multistate License within that State of
3 such termination. The terminated State shall continue to
4 recognize all licenses granted pursuant to this Compact for a
5 minimum of one hundred eighty (180) days after the date of said
6 notice of termination.

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

11 H. The defaulting State may appeal the action of the
12 Commission by petitioning the U.S. District Court for the
13 District of Columbia or the federal district where the
14 Commission has its principal offices. The prevailing party
15 shall be awarded all costs of such litigation, including
16 reasonable attorney's fees.

17 I. Dispute Resolution

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

22 2. The Commission shall promulgate a Rule providing
23 for both mediation and binding dispute resolution for
24 disputes as appropriate.

25 J. Enforcement

26 1. The Commission, in the reasonable exercise of its

1 discretion, shall enforce the provisions of this Compact
2 and the Commission's Rules.

3 2. By majority vote as provided by Commission Rule,
4 the Commission may initiate legal action against a Member
5 State in default in the United States District Court for
6 the District of Columbia or the federal district where the
7 Commission has its principal offices to enforce compliance
8 with the provisions of the Compact and its promulgated
9 Rules. The relief sought may include both injunctive
10 relief and damages. In the event judicial enforcement is
11 necessary, the prevailing party shall be awarded all costs
12 of such litigation, including reasonable attorney's fees.
13 The remedies herein shall not be the exclusive remedies of
14 the Commission. The Commission may pursue any other
15 remedies available under federal or the defaulting Member
16 State's law.

17 3. A Member State may initiate legal action against
18 the Commission in the U.S. District Court for the District
19 of Columbia or the federal district where the Commission
20 has its principal offices to enforce compliance with the
21 provisions of the Compact and its promulgated Rules. The
22 relief sought may include both injunctive relief and
23 damages. In the event judicial enforcement is necessary,
24 the prevailing party shall be awarded all costs of such
25 litigation, including reasonable attorney's fees.

26 4. No individual or entity other than a Member State

1 may enforce this Compact against the Commission.

2 ARTICLE 12-EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

1 Compact.

2 3. All actions taken for the benefit of the Commission
3 or in furtherance of the purposes of the administration of
4 the Compact prior to the effective date of the Compact or
5 the Commission coming into existence shall be considered
6 to be actions of the Commission unless specifically
7 repudiated by the Commission.

8 4. Any State that joins the Compact shall be subject
9 to the Commission's Rules and bylaws as they exist on the
10 date on which the Compact becomes law in that State. Any
11 Rule that has been previously adopted by the Commission
12 shall have the full force and effect of law on the day the
13 Compact becomes law in that State.

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

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

20 2. Withdrawal shall not affect the continuing
21 requirement of the withdrawing State's Licensing Authority
22 to comply with the investigative and Adverse Action
23 reporting requirements of this Compact prior to the
24 effective date of withdrawal.

25 3. Upon the enactment of a statute withdrawing from
26 this Compact, a State shall immediately provide notice of

1 such withdrawal to all Licensees within that State.
2 Notwithstanding any subsequent statutory enactment to the
3 contrary, such withdrawing State shall continue to
4 recognize all licenses granted pursuant to this Compact
5 for a minimum of 180 days after the date of such notice of
6 withdrawal.

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

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

16 ARTICLE 13-CONSTRUCTION AND SEVERABILITY

17 A. This Compact and the Commission's rulemaking authority
18 shall be liberally construed so as to effectuate the purposes,
19 and the implementation and administration of the Compact.
20 Provisions of the Compact expressly authorizing or requiring
21 the promulgation of Rules shall not be construed to limit the
22 Commission's rulemaking authority solely for those purposes.

23 B. The provisions of this Compact shall be severable and
24 if any phrase, clause, sentence or provision of this Compact

1 is held by a court of competent jurisdiction to be contrary to
2 the constitution of any Member State, a State seeking
3 participation in the Compact, or of the United States, or the
4 applicability thereof to any government, agency, person or
5 circumstance is held to be unconstitutional by a court of
6 competent jurisdiction, the validity of the remainder of this
7 Compact and the applicability thereof to any other government,
8 agency, person or circumstance shall not be affected thereby.

9 C. Notwithstanding subsection B of this article, the
10 Commission may deny a State's participation in the Compact or,
11 in accordance with the requirements of Article 11.B, terminate
12 a Member State's participation in the Compact, if it
13 determines that a constitutional requirement of a Member State
14 is a material departure from the Compact. Otherwise, if this
15 Compact shall be held to be contrary to the constitution of any
16 Member State, the Compact shall remain in full force and
17 effect as to the remaining Member States and in full force and
18 effect as to the Member State affected as to all severable
19 matters.

20 ARTICLE 14-CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE
21 LAWS

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

1 Any laws, statutes, regulations, or other legal
2 requirements in a Member State in conflict with the Compact
3 are superseded to the extent of the conflict.

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