

The House Committee on Interstate Cooperation offers the following substitute to HB 839:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to change provisions relating to licensure of individuals wanting to practice
3 certain professions in this state; to enter into an interstate compact known as the "Social
4 Work Licensure Compact"; to authorize the Georgia Composite Board of Professional
5 Counselors, Social Workers, and Marriage and Family Therapists to administer the compact
6 in this state; to provide for a short title; to change certain requirements relating to continuing
7 education for massage therapists; to eliminate exceptions relating to certain practices,
8 services, and activities; to require that licenses include a photograph of the licensee; to enter
9 into an interstate compact known as the "Interstate Massage Compact"; to authorize the
10 Georgia Board of Massage Therapy to administer the compact in this state; to provide
11 definitions; to provide for conditions; to provide for eligibility; to conform certain
12 cross-references; to provide for related matters; to repeal conflicting laws; and for other
13 purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I**SECTION 1-1.**

17 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
18 is amended in Code Section 43-10A-5, relating to powers and duties of board, quorum, and
19 meetings, by revising subsection (h) as follows:

20 "(h) The board shall administer the Professional Counselors Licensure Compact contained
21 in Article 2 of this chapter and the Social Work Licensure Compact contained in Article 3
22 of this chapter."

SECTION 1-2.

23 Said title is further amended by adding a new article to read as follows:

"ARTICLE 3

26 43-10A-60.

27 This article shall be known and may be cited as the 'Social Work Licensure Compact Act.'

28 43-10A-61.

29 The Social Work Licensure Compact is enacted into law and entered into by the State of
30 Georgia with any and all other states legally joining therein in the form substantially as
31 follows:

32 'SOCIAL WORK LICENSURE COMPACT ACT

33 SECTION 1: PURPOSE

34 The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers
35 by improving public access to competent Social Work Services. The Compact preserves the
36 regulatory authority of States to protect public health and safety through the current system
37 of State licensure. This Compact is designed to achieve the following objectives:

38 A. Increase public access to Social Work Services;

39 B. Reduce overly burdensome and duplicative requirements associated with holding
40 multiple licenses;

41 C. Enhance the Member States' ability to protect the public's health and safety;

42 D. Encourage the cooperation of Member States in regulating multistate practice;

43 E. Promote mobility and address workforce shortages by eliminating the necessity for
44 licenses in multiple States by providing for the mutual recognition of other Member State
45 licenses;

46 F. Support military families;

47 G. Facilitate the exchange of licensure and disciplinary information among Member States;

48 H. Authorize all Member States to hold a Regulated Social Worker accountable for abiding
49 by the Member State's laws, regulations, and applicable professional standards in the
50 Member State in which the client is located at the time care is rendered; and

51 I. Allow for the use of telehealth to facilitate increased access to regulated Social Work
52 Services.

53 SECTION 2: DEFINITIONS

54 As used in this Compact, and except as otherwise provided, the following definitions shall
55 apply:

- 56 A. 'Active Military Member' means any individual in full-time duty status in the active
57 armed forces of the United States including members of the National Guard and Reserve.
- 58 B. 'Adverse Action' means any administrative, civil, equitable or criminal action permitted
59 by a State's laws which is imposed by a Licensing Authority or other authority against a
60 Regulated Social Worker, including actions against an individual's license or Multistate
61 Authorization to Practice such as revocation, suspension, probation, monitoring of the
62 Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure
63 affecting a Regulated Social Worker's authorization to practice, including issuance of a
64 cease and desist action.
- 65 C. 'Alternative Program' means a non-disciplinary monitoring or practice remediation
66 process approved by a Licensing Authority to address practitioners with an Impairment.
- 67 D. 'Charter Member States' - Member States who have enacted legislation to adopt this
68 Compact where such legislation predates the effective date of this Compact as defined in
69 Section 14.
- 70 E. 'Compact Commission' or 'Commission' means the government agency whose
71 membership consists of all States that have enacted this Compact, which is known as the
72 Social Work Licensure Compact Commission, as defined in Section 10, and which shall
73 operate as an instrumentality of the Member States.
- 74 F. 'Current Significant Investigative Information' means:
- 75 1. Investigative information that a Licensing Authority, after a preliminary inquiry that
76 includes notification and an opportunity for the Regulated Social Worker to respond has
77 reason to believe is not groundless and, if proved true, would indicate more than a minor
78 infraction as may be defined by the Commission; or
- 79 2. Investigative information that indicates that the Regulated Social Worker represents
80 an immediate threat to public health and safety, as may be defined by the Commission,
81 regardless of whether the Regulated Social Worker has been notified and has had an
82 opportunity to respond.

- 83 G. 'Data System' means a repository of information about Licensees, including, but not
84 limited to, continuing education, examination, licensure, Current Significant Investigative
85 Information, Disqualifying Event, Multistate License(s) and Adverse Action information
86 or other information as required by the Commission.
- 87 H. 'Domicile' means the jurisdiction in which the Licensee resides and intends to remain
88 indefinitely.
- 89 I. 'Disqualifying Event' means any Adverse Action or incident which results in an
90 Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain or
91 renew a Multistate License.
- 92 J. 'Encumbrance' means a revocation or suspension of, or any limitation on, the full and
93 unrestricted practice of Social Work licensed and regulated by a Licensing Authority.
- 94 K. 'Executive Committee' means a group of delegates elected or appointed to act on behalf
95 of, and within the powers granted to them by, the compact and Commission.
- 96 L. 'Home State' means the Member State that is the Licensee's primary Domicile.
- 97 M. 'Impairment' means a condition(s) that may impair a practitioner's ability to engage in
98 full and unrestricted practice as a Regulated Social Worker without some type of
99 intervention and may include, but are not limited to, alcohol and drug dependence, mental
100 health impairment, and neurological or physical impairments.
- 101 N. 'Licensee(s)' means an individual who currently holds a license from a State to practice
102 as a Regulated Social Worker.
- 103 O. 'Licensing Authority' means the board or agency of a Member State, or equivalent, that
104 is responsible for the licensing and regulation of Regulated Social Workers.
- 105 P. 'Member State' means a state, commonwealth, district, or territory of the United States
106 of America that has enacted this Compact.
- 107 Q. 'Multistate Authorization to Practice' means a legally authorized privilege to practice,
108 which is equivalent to a license, associated with a Multistate License permitting the
109 practice of Social Work in a Remote State.

110 R. 'Multistate License' means a license to practice as a Regulated Social Worker issued by
111 a Home State Licensing Authority that authorizes the Regulated Social Worker to practice
112 in all Member States under Multistate Authorization to Practice.

113 S. 'Qualifying National Exam' means a national licensing examination approved by the
114 Commission.

115 T. 'Regulated Social Worker' means any clinical, master's or bachelor's Social Worker
116 licensed by a Member State regardless of the title used by that Member State.

117 U. 'Remote State' means a Member State other than the Licensee's Home State.

118 V. 'Rule(s)' or 'Rule(s) of the Commission' means a regulation or regulations duly
119 promulgated by the Commission, as authorized by the Compact, that has the force of law.

120 W. 'Single State License' means a Social Work license issued by any State that authorizes
121 practice only within the issuing State and does not include Multistate Authorization to
122 Practice in any Member State.

123 X. 'Social Work' or 'Social Work Services' means the application of social work theory,
124 knowledge, methods, ethics, and the professional use of self to restore or enhance social,
125 psychosocial, or biopsychosocial functioning of individuals, couples, families, groups,
126 organizations, and communities through the care and services provided by a Regulated
127 Social Worker as set forth in the Member State's statutes and regulations in the State where
128 the services are being provided.

129 Y. 'State' means any state, commonwealth, district, or territory of the United States of
130 America that regulates the practice of Social Work.

131 Z. 'Unencumbered License' means a license that authorizes a Regulated Social Worker to
132 engage in the full and unrestricted practice of Social Work.

133 SECTION 3: STATE PARTICIPATION IN THE COMPACT

134 A. To be eligible to participate in the compact, a potential Member State must currently
135 meet all of the following criteria:

- 136 1. License and regulate the practice of Social Work at either the clinical, master's, or
137 bachelor's category.
- 138 2. Require applicants for licensure to graduate from a program that is:
- 139 a. Operated by a college or university recognized by the Licensing Authority;
140 b. Accredited, or in candidacy by an institution that subsequently becomes accredited,
141 by an accrediting agency recognized by either:
- 142 i. the Council for Higher Education Accreditation, or its successor; or
143 ii. the United States Department of Education; and
- 144 c. Corresponds to the licensure sought as outlined in Section 4.
- 145 3. Require applicants for clinical licensure to complete a period of supervised practice.
- 146 4. Have a mechanism in place for receiving, investigating, and adjudicating complaints
147 about Licensees.
- 148 B. To maintain membership in the Compact a Member State shall:
- 149 1. Require applicants for a Multistate License pass a Qualifying National Exam for the
150 corresponding category of Multistate License sought as outlined in Section 4;
- 151 2. Participate fully in the Commission's Data System, including using the Commission's
152 unique identifier as defined in Rules;
- 153 3. Notify the Commission, in compliance with the terms of the Compact and Rules, of
154 any Adverse Action or the availability of Current Significant Investigative Information
155 regarding a Licensee;
- 156 4. Implement procedures for considering the criminal history records of applicants for a
157 Multistate License. Such procedures shall include the submission of fingerprints or other
158 biometric-based information by applicants for the purpose of obtaining an applicant's
159 criminal history record information from the Federal Bureau of Investigation and the
160 agency responsible for retaining that State's criminal records;
- 161 5. Comply with the Rules of the Commission;

162 6. Require an applicant to obtain or retain a license in the Home State and meet the Home
163 State's qualifications for licensure or renewal of licensure, as well as all other applicable
164 Home State laws;

165 7. Authorize a Licensee holding a Multistate License in any Member State to practice in
166 accordance with the terms of the Compact and Rules of the Commission; and

167 8. Designate a delegate to participate in the Commission meetings.

168 C. A Member State meeting the requirements of Section 3.A. and 3.B of this Compact shall
169 designate the categories of Social Work licensure that are eligible for issuance of a
170 Multistate License for applicants in such Member State. To the extent that any Member
171 State does not meet the requirements for participation in the Compact at any particular
172 category of Social Work licensure, such Member State may choose, but is not obligated to,
173 issue a Multistate License to applicants that otherwise meet the requirements of Section 4
174 for issuance of a Multistate License in such category or categories of licensure.

175 D. The Home State may charge a fee for granting the Multistate License.

176 SECTION 4: SOCIAL WORKER PARTICIPATION IN THE COMPACT

177 A. To be eligible for a Multistate License under the terms and provisions of the Compact,
178 an applicant, regardless of category must:

179 1. Hold or be eligible for an active, Unencumbered License in the Home State;

180 2. Pay any applicable fees, including any State fee, for the Multistate License;

181 3. Submit, in connection with an application for a Multistate License, fingerprints or other
182 biometric data for the purpose of obtaining criminal history record information from the
183 Federal Bureau of Investigation and the agency responsible for retaining that State's
184 criminal records;

185 4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any
186 professional license taken by any Member State or non-Member State within 30 days
187 from the date the action is taken;

- 188 5. Meet any continuing competence requirements established by the Home State;
189 6. Abide by the laws, regulations, and applicable standards in the Member State where
190 the client is located at the time care is rendered.
- 191 B. An applicant for a clinical-category Multistate License must meet all of the following
192 requirements:
- 193 1. Fulfill a competency requirement, which shall be satisfied by either:
- 194 a. Passage of a clinical-category Qualifying National Exam; or
195 b. Licensure of the applicant in their Home State at the clinical category, beginning
196 prior to such time as a Qualifying National Exam was required by the Home State and
197 accompanied by a period of continuous Social Work licensure thereafter, all of which
198 may be further governed by the Rules of the Commission; or
199 c. The substantial equivalency of the foregoing competency requirements which the
200 Commission may determine by Rule.
- 201 2. Attain at least a master's degree in Social Work from a program that is:
- 202 a. Operated by a college or university recognized by the Licensing Authority; and
203 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
204 agency recognized by either:
- 205 i. the Council for Higher Education Accreditation or its successor; or
206 ii. the United States Department of Education.
- 207 3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion
208 of either:
- 209 a. A period of postgraduate supervised clinical practice equal to a minimum of three
210 thousand hours; or
211 b. A minimum of two years of full-time postgraduate supervised clinical practice; or
212 c. The substantial equivalency of the foregoing practice requirements which the
213 Commission may determine by Rule.

214 C. An applicant for a master's-category Multistate License must meet all of the following
215 requirements:

216 1. Fulfill a competency requirement, which shall be satisfied by either:

217 a. Passage of a masters-category Qualifying National Exam;

218 b. Licensure of the applicant in their Home State at the master's category, beginning
219 prior to such time as a Qualifying National Exam was required by the Home State at the
220 master's category and accompanied by a continuous period of Social Work licensure
221 thereafter, all of which may be further governed by the Rules of the Commission; or

222 c. The substantial equivalency of the foregoing competency requirements which the
223 Commission may determine by Rule.

224 2. Attain at least a master's degree in Social Work from a program that is:

225 a. Operated by a college or university recognized by the Licensing Authority; and

226 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
227 agency recognized by either:

228 i. the Council for Higher Education Accreditation or its successor; or

229 ii. the United States Department of Education.

230 D. An applicant for a bachelor's-category Multistate License must meet all of the following
231 requirements:

232 1. Fulfill a competency requirement, which shall be satisfied by either:

233 a. Passage of a bachelor's-category Qualifying National Exam;

234 b. Licensure of the applicant in their Home State at the bachelor's category, beginning
235 prior to such time as a Qualifying National Exam was required by the Home State and
236 accompanied by a period of continuous Social Work licensure thereafter, all of which
237 may be further governed by the Rules of the Commission; or

238 c. The substantial equivalency of the foregoing competency requirements which the
239 Commission may determine by Rule.

240 2. Attain at least a bachelor's degree in Social Work from a program that is:

- 241 a. Operated by a college or university recognized by the Licensing Authority; and
242 b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting
243 agency recognized by either:
244 i. the Council for Higher Education Accreditation or its successor; or
245 ii. the United States Department of Education.
- 246 E. The Multistate License for a Regulated Social Worker is subject to the renewal
247 requirements of the Home State. The Regulated Social Worker must maintain compliance
248 with the requirements of Section 4(A).
- 249 F. The Regulated Social Worker's services in a Remote State are subject to that Member
250 State's regulatory authority. A Remote State may, in accordance with due process and that
251 Member State's laws, remove a Regulated Social Worker's Multistate Authorization to
252 Practice in the Remote State for a specific period of time, impose fines, and take any other
253 necessary actions to protect the health and safety of its citizens.
- 254 G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate
255 Authorization to Practice shall be deactivated in all Remote States until the Multistate
256 License is no longer encumbered.
- 257 H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated
258 Social Worker's Multistate Authorization to Practice may be deactivated in that State until
259 the Multistate Authorization to Practice is no longer encumbered.

260 SECTION 5: ISSUANCE OF A MULTISTATE LICENSE

- 261 A. Upon receipt of an application for Multistate License, the Home State Licensing
262 Authority shall determine the applicant's eligibility for a Multistate License in accordance
263 with Section 4 of this Compact.
- 264 B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State
265 Licensing Authority shall issue a Multistate License that authorizes the applicant or

266 Regulated Social Worker to practice in all Member States under a Multistate Authorization
267 to Practice.

268 C. Upon issuance of a Multistate License, the Home State Licensing Authority shall
269 designate whether the Regulated Social Worker holds a Multistate License in the
270 Bachelors, Masters, or Clinical category of Social Work.

271 D. A Multistate License issued by a Home State to a resident in that State shall be
272 recognized by all Compact Member States as authorizing Social Work Practice under a
273 Multistate Authorization to Practice corresponding to each category of licensure regulated
274 in the Member State.

275 SECTION 6: AUTHORITY OF INTERSTATE COMPACT COMMISSION AND
276 MEMBER STATE LICENSING AUTHORITIES

277 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
278 restrict, or in any way reduce the ability of a Member State to enact and enforce laws,
279 regulations, or other rules related to the practice of Social Work in that State, where those
280 laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

281 B. Nothing in this Compact shall affect the requirements established by a Member State
282 for the issuance of a Single State License.

283 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
284 restrict, or in any way reduce the ability of a Member State to take Adverse Action against
285 a Licensee's Single State License to practice Social Work in that State.

286 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
287 restrict, or in any way reduce the ability of a Remote State to take Adverse Action against
288 a Licensee's Authorization to Practice in that State.

289 E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
290 restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action

291 against a Licensee's Multistate License based upon information provided by a Remote
292 State.

293 SECTION 7: REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

294 A. A Licensee may hold a Multistate License, issued by their Home State, in only one
295 Member State at any given time.

296 B. If a Licensee changes their Home State by moving between two Member States:

297 1. The Licensee shall immediately apply for the reissuance of their Multistate License in
298 their new Home State. The Licensee shall pay all applicable fees and notify the prior
299 Home State in accordance with the Rules of the Commission.

300 2. Upon receipt of an application to reissue a Multistate License, the new Home State
301 shall verify that the Multistate License is active, unencumbered and eligible for
302 reissuance under the terms of the Compact and the Rules of the Commission. The
303 Multistate License issued by the prior Home State will be deactivated and all Member
304 States notified in accordance with the applicable Rules adopted by the Commission.

305 3. Prior to the reissuance of the Multistate License, the new Home State shall conduct
306 procedures for considering the criminal history records of the Licensee. Such procedures
307 shall include the submission of fingerprints or other biometric-based information by
308 applicants for the purpose of obtaining an applicant's criminal history record information
309 from the Federal Bureau of Investigation and the agency responsible for retaining that
310 State's criminal records.

311 4. If required for initial licensure, the new Home State may require completion of
312 jurisprudence requirements in the new Home State.

313 5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the
314 requirements set forth in this Compact for the reissuance of a Multistate License by the
315 new Home State, then the Licensee shall be subject to the new Home State requirements
316 for the issuance of a Single State License in that State.

317 C. If a Licensee changes their primary State of residence by moving from a Member State
318 to a non-Member State, or from a non-Member State to a Member State, then the Licensee
319 shall be subject to the State requirements for the issuance of a Single State License in the
320 new Home State.

321 D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State
322 License in multiple States; however, for the purposes of this Compact, a Licensee shall
323 have only one Home State, and only one Multistate License.

324 E. Nothing in this Compact shall interfere with the requirements established by a Member
325 State for the issuance of a Single State License.

326 SECTION 8: MILITARY FAMILIES

327 An Active Military Member or their spouse shall designate a Home State where the
328 individual has a Multistate License. The individual may retain their Home State designation
329 during the period the service member is on active duty.

330 SECTION 9: ADVERSE ACTIONS

331 A. In addition to the other powers conferred by State law, a Remote State shall have the
332 authority, in accordance with existing State due process law, to:

333 1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to
334 Practice only within that Member State, and issue subpoenas for both hearings and
335 investigations that require the attendance and testimony of witnesses as well as the
336 production of evidence. Subpoenas issued by a Licensing Authority in a Member State
337 for the attendance and testimony of witnesses or the production of evidence from another
338 Member State shall be enforced in the latter State by any court of competent jurisdiction,
339 according to the practice and procedure of that court applicable to subpoenas issued in
340 proceedings pending before it. The issuing authority shall pay any witness fees, travel

341 expenses, mileage, and other fees required by the service statutes of the State in which
342 the witnesses or evidence are located.

343 2. Only the Home State shall have the power to take Adverse Action against a Regulated
344 Social Worker's Multistate License.

345 B. For purposes of taking Adverse Action, the Home State shall give the same priority and
346 effect to reported conduct received from a Member State as it would if the conduct had
347 occurred within the Home State. In so doing, the Home State shall apply its own State laws
348 to determine appropriate action.

349 C. The Home State shall complete any pending investigations of a Regulated Social
350 Worker who changes their Home State during the course of the investigations. The Home
351 State shall also have the authority to take appropriate action(s) and shall promptly report
352 the conclusions of the investigations to the administrator of the Data System. The
353 administrator of the Data System shall promptly notify the new Home State of any Adverse
354 Actions.

355 D. A Member State, if otherwise permitted by State law, may recover from the affected
356 Regulated Social Worker the costs of investigations and dispositions of cases resulting
357 from any Adverse Action taken against that Regulated Social Worker.

358 E. A Member State may take Adverse Action based on the factual findings of another
359 Member State, provided that the Member State follows its own procedures for taking the
360 Adverse Action.

361 F. Joint Investigations:

362 1. In addition to the authority granted to a Member State by its respective Social Work
363 practice act or other applicable State law, any Member State may participate with other
364 Member States in joint investigations of Licensees.

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

367 G. If Adverse Action is taken by the Home State against the Multistate License of a
368 Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to
369 Practice in all other Member States shall be deactivated until all Encumbrances have been
370 removed from the Multistate License. All Home State disciplinary orders that impose
371 Adverse Action against the license of a Regulated Social Worker shall include a statement
372 that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in
373 all Member States until all conditions of the decision, order or agreement are satisfied.

374 H. If a Member State takes Adverse Action, it shall promptly notify the administrator of
375 the Data System. The administrator of the Data System shall promptly notify the Home
376 State and all other Member State's of any Adverse Actions by Remote States.

377 I. Nothing in this Compact shall override a Member State's decision that participation in
378 an Alternative Program may be used in lieu of Adverse Action. Nothing in this Compact
379 shall authorize a Member State to demand the issuance of subpoenas for attendance and
380 testimony of witnesses or the production of evidence from another Member State for lawful
381 actions within that Member State.

382 J. Nothing in this Compact shall authorize a Member State to impose discipline against a
383 Regulated Social Worker who holds a Multistate Authorization to Practice for lawful
384 actions within another Member State.

385 SECTION 10: ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT
386 COMMISSION

387 A. The Compact Member States hereby create and establish a joint government agency
388 whose membership consists of all Member States that have enacted the compact known as
389 the Social Work Licensure Compact Commission. The Commission is an instrumentality
390 of the Compact States acting jointly and not an instrumentality of any one State. The
391 Commission shall come into existence on or after the effective date of the Compact as set
392 forth in Section 14.

393 B. Membership, Voting, and Meetings

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

396 2. The delegate shall be either:

397 a. A current member of the State Licensing Authority at the time of appointment, who
398 is a Regulated Social Worker or public member of the State Licensing Authority; or

399 b. An administrator of the State Licensing Authority or their designee.

400 3. The Commission shall by Rule or bylaw establish a term of office for delegates and
401 may by Rule or bylaw establish term limits.

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

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

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

407 7. A delegate shall vote in person or by such other means as provided in the bylaws. The
408 bylaws may provide for delegates to meet by telecommunication, videoconference, or
409 other means of communication.

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

413 C. The Commission shall have the following powers:

414 1. Establish the fiscal year of the Commission;

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

416 3. Establish and amend Rules and bylaws;

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

418 5. Meet and take such actions as are consistent with the provisions of this Compact, the
419 Commission's Rules, and the bylaws;

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

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

448 19. Provide and receive information from, and cooperate with, law enforcement agencies;

449 20. Establish and elect an Executive Committee, including a chair and a vice chair;

450 21. Determine whether a State's adopted language is materially different from the model
451 compact language such that the State would not qualify for participation in the Compact;

452 and

453 22. Perform such other functions as may be necessary or appropriate to achieve the
454 purposes of this Compact.

455 D. The Executive Committee

456 1. The Executive Committee shall have the power to act on behalf of the Commission
457 according to the terms of this Compact. The powers, duties, and responsibilities of the
458 Executive Committee shall include:

459 a. Oversee the day-to-day activities of the administration of the compact including
460 enforcement and compliance with the provisions of the compact, its Rules and bylaws,
461 and other such duties as deemed necessary;

462 b. Recommend to the Commission changes to the Rules or bylaws, changes to this
463 Compact legislation, fees charged to Compact Member States, fees charged to
464 Licenseses, and other fees;

465 c. Ensure Compact administration services are appropriately provided, including by
466 contract;

467 d. Prepare and recommend the budget;

468 e. Maintain financial records on behalf of the Commission;

469 f. Monitor Compact compliance of Member States and provide compliance reports to
470 the Commission;

471 g. Establish additional committees as necessary;

472 h. Exercise the powers and duties of the Commission during the interim between
473 Commission meetings, except for adopting or amending Rules, adopting or amending
474 bylaws, and exercising any other powers and duties expressly reserved to the
475 Commission by Rule or bylaw; and

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

477 2. The Executive Committee shall be composed of up to eleven (11) members:

478 a. The chair and vice chair of the Commission shall be voting members of the
479 Executive Committee.

480 b. The Commission shall elect five voting members from the current membership of the
481 Commission.

482 c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national
483 Social Work organizations.

484 d. The ex-officio members will be selected by their respective organizations.

485 3. The Commission may remove any member of the Executive Committee as provided
486 in the Commission's bylaws.

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

488 a. Executive Committee meetings shall be open to the public, except that the Executive
489 Committee may meet in a closed, non-public meeting as provided in subsection F.2
490 below.

491 b. The Executive Committee shall give seven (7) days' notice of its meetings, posted
492 on its website and as determined to provide notice to persons with an interest in the
493 business of the Commission.

494 c. The Executive Committee may hold a special meeting in accordance with subsection
495 F.1.b. below.

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

497 F. Meetings of the Commission

- 498 1. All meetings shall be open to the public, except that the Commission may meet in a
499 closed, non-public meeting as provided in subsection F.2 below.
- 500 a. Public notice for all meetings of the full Commission of meetings shall be given in
501 the same manner as required under the Rulemaking provisions in Section 12, except
502 that the Commission may hold a special meeting as provided in subsection F.1.b below.
- 503 b. The Commission may hold a special meeting when it must meet to conduct
504 emergency business by giving 48 hours' notice to all commissioners, on the
505 Commission's website, and other means as provided in the Commission's Rules. The
506 Commission's legal counsel shall certify that the Commission's need to meet qualifies
507 as an emergency.
- 508 2. The Commission or the Executive Committee or other committees of the Commission
509 may convene in a closed, non-public meeting for the Commission or Executive
510 Committee or other committees of the Commission to receive legal advice or to discuss:
- 511 a. Non-compliance of a Member State with its obligations under the Compact;
512 b. The employment, compensation, discipline or other matters, practices or procedures
513 related to specific employees;
- 514 c. Current or threatened discipline of a Licensee by the Commission or by a Member
515 State's Licensing Authority;
- 516 d. Current, threatened, or reasonably anticipated litigation;
- 517 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
518 estate;
- 519 f. Accusing any person of a crime or formally censuring any person;
- 520 g. Trade secrets or commercial or financial information that is privileged or
521 confidential;
- 522 h. Information of a personal nature where disclosure would constitute a clearly
523 unwarranted invasion of personal privacy;
- 524 i. Investigative records compiled for law enforcement purposes;

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

528 k. Matters specifically exempted from disclosure by federal or Member State law; or
529 l. Other matters as promulgated by the Commission by Rule.

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

533 4. The Commission shall keep minutes that fully and clearly describe all matters
534 discussed in a meeting and shall provide a full and accurate summary of actions taken,
535 and the reasons therefore, including a description of the views expressed. All documents
536 considered in connection with an action shall be identified in such minutes. All minutes
537 and documents of a closed meeting shall remain under seal, subject to release only by a
538 majority vote of the Commission or order of a court of competent jurisdiction.

539 G. Financing of the Commission

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

542 2. The Commission may accept any and all appropriate revenue sources as provided in
543 subsection C(13).

544 3. The Commission may levy on and collect an annual assessment from each Member
545 State and impose fees on Licensees of Member States to whom it grants a Multistate
546 License to cover the cost of the operations and activities of the Commission and its staff,
547 which must be in a total amount sufficient to cover its annual budget as approved each
548 year for which revenue is not provided by other sources. The aggregate annual
549 assessment amount for Member States shall be allocated based upon a formula that the
550 Commission shall promulgate by Rule.

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

554 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
555 receipts and disbursements of the Commission shall be subject to the financial review and
556 accounting procedures established under its bylaws. However, all receipts and
557 disbursements of funds handled by the Commission shall be subject to an annual financial
558 review by a certified or licensed public accountant, and the report of the financial review
559 shall be included in and become part of the annual report of the Commission.

560 H. Qualified Immunity, Defense, and Indemnification

561 1. The members, officers, executive director, employees and representatives of the
562 Commission shall be immune from suit and liability, both personally and in their official
563 capacity, for any claim for damage to or loss of property or personal injury or other civil
564 liability caused by or arising out of any actual or alleged act, error, or omission that
565 occurred, or that the person against whom the claim is made had a reasonable basis for
566 believing occurred within the scope of Commission employment, duties or
567 responsibilities; provided that nothing in this paragraph shall be construed to protect any
568 such person from suit or liability for any damage, loss, injury, or liability caused by the
569 intentional or willful or wanton misconduct of that person. The procurement of insurance
570 of any type by the Commission shall not in any way compromise or limit the immunity
571 granted hereunder.

572 2. The Commission shall defend any member, officer, executive director, employee, and
573 representative of the Commission in any civil action seeking to impose liability arising
574 out of any actual or alleged act, error, or omission that occurred within the scope of
575 Commission employment, duties, or responsibilities, or as determined by the Commission
576 that the person against whom the claim is made had a reasonable basis for believing
577 occurred within the scope of Commission employment, duties, or responsibilities;

578 provided that nothing herein shall be construed to prohibit that person from retaining their
579 own counsel at their own expense; and provided further, that the actual or alleged act,
580 error, or omission did not result from that person's intentional or willful or wanton
581 misconduct.

582 3. The Commission shall indemnify and hold harmless any member, officer, executive
583 director, employee, and representative of the Commission for the amount of any
584 settlement or judgment obtained against that person arising out of any actual or alleged
585 act, error, or omission that occurred within the scope of Commission employment, duties,
586 or responsibilities, or that such person had a reasonable basis for believing occurred
587 within the scope of Commission employment, duties, or responsibilities, provided that
588 the actual or alleged act, error, or omission did not result from the intentional or willful
589 or wanton misconduct of that person.

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

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

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

599 SECTION 11: DATA SYSTEM

600 A. The Commission shall provide for the development, maintenance, operation, and
601 utilization of a coordinated database and reporting system containing licensure, Adverse
602 Action, and the presence of Current Significant Investigative Information on all licensed
603 individuals in Member States.

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

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

609 1. Identifying information;

610 2. Licensure data;

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

612 4. Non-confidential information related to Alternative Program participation, the
613 beginning and ending dates of such participation, and other information related to such
614 participation not made confidential under Member State law;

615 5. Any denial of application for licensure, and the reason(s) for such denial;

616 6. The presence of Current Significant Investigative Information; and

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

619 D. The records and information provided to a Member State pursuant to this Compact or
620 through the Data System, when certified by the Commission or an agent thereof, shall
621 constitute the authenticated business records of the Commission, and shall be entitled to
622 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
623 proceedings in a Member State.

624 E. Current Significant Investigative Information pertaining to a Licensee in any Member
625 State will only be available to other Member States.

626 1. It is the responsibility of the Member States to report any Adverse Action against a
627 Licensee and to monitor the database to determine whether Adverse Action has been
628 taken against a Licensee. Adverse Action information pertaining to a Licensee in any
629 Member State will be available to any other Member State.

630 F. Member States contributing information to the Data System may designate information
631 that may not be shared with the public without the express permission of the contributing
632 State.

633 G. Any information submitted to the Data System that is subsequently expunged pursuant
634 to federal law or the laws of the Member State contributing the information shall be
635 removed from the Data System.

636 SECTION 12: RULEMAKING

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

643 B. The Rules of the Commission shall have the force of law in each Member State,
644 provided however that where the Rules of the Commission conflict with the laws of the
645 Member State that establish the Member State's laws, regulations, and applicable standards
646 as held by a court of competent jurisdiction, the Rules of the Commission shall be
647 ineffective in that State to the extent of the conflict.

648 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth
649 in this Section and the Rules adopted thereunder. Rules shall become binding on the day
650 following adoption or the date specified in the rule or amendment, whichever is later.

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

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

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

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

- 661 1. On the website of the Commission or other publicly accessible platform;
- 662 2. To persons who have requested notice of the Commission's notices of proposed
663 rulemaking, and
- 664 3. In such other way(s) as the Commission may by Rule specify.

665 H. The Notice of Proposed Rulemaking shall include:

- 666 1. The time, date, and location of the public hearing at which the Commission will hear
667 public comments on the proposed Rule and, if different, the time, date, and location of
668 the meeting where the Commission will consider and vote on the proposed Rule;
- 669 2. If the hearing is held via telecommunication, video conference, or other electronic
670 means, the Commission shall include the mechanism for access to the hearing in the
671 Notice of Proposed Rulemaking;

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

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

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

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

678 J. Nothing in this section shall be construed as requiring a separate hearing on each Rule.

679 Rules may be grouped for the convenience of the Commission at hearings required by this
680 section.

681 K. The Commission shall, by majority vote of all members, take final action on the
682 proposed Rule based on the Rulemaking record and the full text of the Rule.

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

685 2. The Commission shall provide an explanation of the reasons for substantive changes
686 made to the proposed Rule as well as reasons for substantive changes not made that were
687 recommended by commenters.

688 3. The Commission shall determine a reasonable effective date for the Rule. Except for
689 an emergency as provided in Section 12.L, the effective date of the rule shall be no
690 sooner than 30 days after issuing the notice that it adopted or amended the Rule.

691 L. Upon determination that an emergency exists, the Commission may consider and adopt
692 an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the
693 usual Rulemaking procedures provided in the Compact and in this section shall be
694 retroactively applied to the Rule as soon as reasonably possible, in no event later than
695 ninety (90) days after the effective date of the Rule. For the purposes of this provision, an
696 emergency Rule is one that must be adopted immediately in order to:

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

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

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

701 4. Protect public health and safety.

702 M. The Commission or an authorized committee of the Commission may direct revisions
703 to a previously adopted Rule for purposes of correcting typographical errors, errors in
704 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
705 posted on the website of the Commission. The revision shall be subject to challenge by any
706 person for a period of thirty (30) days after posting. The revision may be challenged only
707 on grounds that the revision results in a material change to a Rule. A challenge shall be

708 made in writing and delivered to the Commission prior to the end of the notice period. If
709 no challenge is made, the revision will take effect without further action. If the revision is
710 challenged, the revision may not take effect without the approval of the Commission.
711 N. No Member State's rulemaking requirements shall apply under this compact.

712 SECTION 13: OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

713 A. Oversight

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

717 2. Except as otherwise provided in this Compact, venue is proper and judicial
718 proceedings by or against the Commission shall be brought solely and exclusively in a
719 court of competent jurisdiction where the principal office of the Commission is located.
720 The Commission may waive venue and jurisdictional defenses to the extent it adopts or
721 consents to participate in alternative dispute resolution proceedings. Nothing herein shall
722 affect or limit the selection or propriety of venue in any action against a Licensee for
723 professional malpractice, misconduct or any such similar matter.

724 3. The Commission shall be entitled to receive service of process in any proceeding
725 regarding the enforcement or interpretation of the Compact and shall have standing to
726 intervene in such a proceeding for all purposes. Failure to provide the Commission
727 service of process shall render a judgment or order void as to the Commission, this
728 Compact, or promulgated Rules.

729 B. Default, Technical Assistance, and Termination

730 1. If the Commission determines that a Member State has defaulted in the performance
731 of its obligations or responsibilities under this Compact or the promulgated Rules, the
732 Commission shall provide written notice to the defaulting State. The notice of default
733 shall describe the default, the proposed means of curing the default, and any other action

734 that the Commission may take, and shall offer training and specific technical assistance
735 regarding the default.

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

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

743 D. Termination of membership in the Compact shall be imposed only after all other means
744 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
745 be given by the Commission to the governor, the majority and minority leaders of the
746 defaulting State's legislature, the defaulting State's State Licensing Authority and each of
747 the Member States' State Licensing Authority.

748 E. A State that has been terminated is responsible for all assessments, obligations, and
749 liabilities incurred through the effective date of termination, including obligations that
750 extend beyond the effective date of termination.

751 F. Upon the termination of a State's membership from this Compact, that State shall
752 immediately provide notice to all Licensees within that State of such termination. The
753 terminated State shall continue to recognize all licenses granted pursuant to this Compact
754 for a minimum of six (6) months after the date of said notice of termination.

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

758 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.
759 District Court for the District of Columbia or the federal district where the Commission has

760 its principal offices. The prevailing party shall be awarded all costs of such litigation,
761 including reasonable attorney's fees.

762 I. Dispute Resolution

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

766 2. The Commission shall promulgate a Rule providing for both mediation and binding
767 dispute resolution for disputes as appropriate.

768 J. Enforcement

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

778 2. A Member State may initiate legal action against the Commission in the U.S. District
779 Court for the District of Columbia or the federal district where the Commission has its
780 principal offices to enforce compliance with the provisions of the Compact and its
781 promulgated Rules. The relief sought may include both injunctive relief and damages. In
782 the event judicial enforcement is necessary, the prevailing party shall be awarded all costs
783 of such litigation, including reasonable attorney's fees.

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

786 SECTION 14: EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

789 1. On or after the effective date of the Compact, the Commission shall convene and
790 review the enactment of each of the first seven Member States ('Charter Member States')
791 to determine if the statute enacted by each such Charter Member State is materially
792 different than the model Compact statute.

793 a. A Charter Member State whose enactment is found to be materially different from
794 the model Compact statute shall be entitled to the default process set forth in
795 Section 13.

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

799 2. Member States enacting the Compact subsequent to the seven initial Charter Member
800 States shall be subject to the process set forth in Section 10(C)(21) to determine if their
801 enactments are materially different from the model Compact statute and whether they
802 qualify for participation in the Compact.

803 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
804 of the administration of the Compact prior to the effective date of the Compact or the
805 Commission coming into existence shall be considered to be actions of the Commission
806 unless specifically repudiated by the Commission.

807 4. Any State that joins the Compact subsequent to the Commission's initial adoption of
808 the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date
809 on which the Compact becomes law in that State. Any Rule that has been previously
810 adopted by the Commission shall have the full force and effect of law on the day the
811 Compact becomes law in that State.

812 B. Any Member State may withdraw from this Compact by enacting a statute repealing the
813 same.

814 1. A Member State's withdrawal shall not take effect until 180 days after enactment of
815 the repealing statute.

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

819 3. Upon the enactment of a statute withdrawing from this compact, a State shall
820 immediately provide notice of such withdrawal to all Licensees within that State.
821 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
822 State shall continue to recognize all licenses granted pursuant to this compact for a
823 minimum of six (6) months after the date of such notice of withdrawal.

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

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

830 SECTION 15: CONSTRUCTION AND SEVERABILITY

831 A. This Compact and the Commission's rulemaking authority shall be liberally construed
832 so as to effectuate the purposes, and the implementation and administration of the
833 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
834 of Rules shall not be construed to limit the Commission's rulemaking authority solely for
835 those purposes.

836 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
837 or provision of this Compact is held by a court of competent jurisdiction to be contrary to

838 the constitution of any Member State, a State seeking participation in the Compact, or of
839 the United States, or the applicability thereof to any government, agency, person or
840 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
841 of the remainder of this Compact and the applicability thereof to any other government,
842 agency, person or circumstance shall not be affected thereby.

843 C. Notwithstanding subsection B of this section, the Commission may deny a State's
844 participation in the Compact or, in accordance with the requirements of Section 13.B,
845 terminate a Member State's participation in the Compact, if it determines that a
846 constitutional requirement of a Member State is a material departure from the Compact.
847 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
848 State, the Compact shall remain in full force and effect as to the remaining Member States
849 and in full force and effect as to the Member State affected as to all severable matters.

850 SECTION 16: CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

851 A. A Licensee providing services in a Remote State under a Multistate Authorization to
852 Practice shall adhere to the laws and regulations, including laws, regulations, and
853 applicable standards, of the Remote State where the client is located at the time care is
854 rendered.

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

857 C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict
858 with the Compact are superseded to the extent of the conflict.

859 D. All permissible agreements between the Commission and the Member States are binding
860 in accordance with their terms."

861

PART II

862

SECTION 2-1.

863 Said title is further amended by revising paragraph (6) of Code Section 43-24A-3, relating
864 to definitions, as follows:

865 "(6) 'License' means a valid and current certificate of registration issued by the board
866 pursuant to this chapter to practice massage therapy or a multistate license issued
867 pursuant to the Interstate Massage Compact contained in Article 3 of this chapter."

868

SECTION 2-2.

869 Said title is further amended in Code Section 43-24A-7, relating to the powers of the Georgia
870 Board of Massage Therapy, by revising subsection (b) and adding a new subsection to read
871 as follows:

872 "(b) The board shall have the power to:

873 (1) Examine and determine the qualifications and fitness of applicants for licenses to
874 practice massage therapy in this state;

875 (2) Issue, renew, refuse to renew, deny, suspend, or revoke licenses to practice massage
876 therapy in this state or otherwise discipline licensed massage therapists;

877 (3) Conduct investigations for the purpose of discovering violations of this chapter or
878 grounds for disciplining persons or entities acting in violation of this chapter;

879 (4) Upon reasonable notice, request on-site inspections of the facility, equipment,
880 policies, and practices of a massage therapy business or board recognized massage
881 therapy educational program by appropriate inspectors in the Office of the Secretary of
882 State for the purpose of determining compliance with the standards established pursuant
883 to this chapter;

884 (5) Hold hearings on all matters properly brought before the board and, in conjunction
885 therewith, to administer oaths, receive evidence, make the necessary determinations, and

886 enter orders consistent with the findings. The board may designate one or more of its
887 members as its hearing officer;

888 (6) Adopt, revise, and enforce rules concerning advertising by licensees including, but
889 not limited to, rules to prohibit false, misleading, or deceptive practices;

890 (7) Periodically evaluate board recognized massage therapy educational programs and
891 license such programs that meet the board's requirements;

892 (8) Develop and enforce standards for continuing education courses required of licensed
893 massage therapists which may include courses in massage therapy ~~or any of the~~
894 ~~modalities described in paragraphs (5) through (8) of subsection (a) of Code Section~~
895 ~~43-24A-19~~;

896 (9) Develop and enforce reasonable and uniform standards for massage therapy
897 educational programs and massage therapy practice;

898 (10) Deny or withdraw recognition of noncompliant massage therapy educational
899 programs that do not meet standards established pursuant to this chapter;

900 (11) Appoint standing or ad hoc committees as necessary to inform and make
901 recommendations to the board about issues and concerns of the massage therapy
902 profession and to facilitate communication amongst the board, licensees under this
903 chapter, and the community, which may include nonmembers of the board;

904 (12) Collect and publish data regarding existing massage therapy resources in Georgia
905 without violation of any state or federal privacy laws and coordinate planning for board
906 recognized massage therapy educational programs and practice;

907 (13) Adopt an official seal; ~~and~~

908 (14) Bring proceedings to the courts for the enforcement of this chapter or any rules and
909 regulations promulgated pursuant to this chapter; and

910 (15) Administer the Interstate Massage Compact contained in Article 3 of this chapter."
911 "(d) Beginning July 1, 2025, any license issued by the board shall include a photograph of
912 the licensee."

913 **SECTION 2-3.**

914 Said title is further amended by revising paragraph (6) of subsection (b) of Code Section
915 43-24A-8, relating to licensure of massage therapists, application and requirements, as
916 follows:

917 "(6) The applicant has completed successfully a board recognized massage therapy
918 educational program consisting of a minimum of ~~500~~ 625 hours of course and clinical
919 work;"

920 **SECTION 2-4.**

921 Said title is further amended by revising subsection (a) of Code Section 43-24A-19, relating
922 to exceptions, as follows:

923 "(a) Nothing in this chapter shall be construed to affect, restrict, or prevent the practice,
924 services, or activities of:

925 (1) A person licensed, registered, or certified under any other chapter or article under
926 Title 43 while engaged in the professional or trade practices properly conducted under
927 authority of such other licensing laws, provided that such person shall not use the title of
928 massage therapist;

929 (2) A person pursuing a course of study leading to a degree or certificate as a massage
930 therapist in a board recognized massage therapy educational program if such person is
931 designated by title indicating student status and is fulfilling uncompensated work
932 experiences required for the attainment of the degree or certificate;

933 (3) A nonresident person rendering massage therapy up to 60 days during a 12 month
934 period for treatment of a temporary sojourner only, provided that such nonresident
935 massage therapist holds a license, registration, or certification from another state,
936 jurisdiction, or country if the requirements as determined by the board for licensure,
937 registration, or certification are substantially equal to the requirements contained in this

938 chapter or provided that such nonresident massage therapist is currently nationally
939 certified in therapeutic massage and bodywork;

940 (4) A person duly licensed, registered, or certified in another jurisdiction, state, territory,
941 or a foreign country when incidentally in this state to provide service as part of an
942 emergency response team working in conjunction with disaster relief officials or as part
943 of a charity event with which he or she comes into the state;

944 (5) A person who restricts his or her practice to the manipulation of the soft tissue of the
945 human body to hands, feet, or ears who does not have the client disrobe and does not hold
946 himself or herself out as a massage therapist; or

947 ~~(6) A person who uses touch, words, and directed movement to deepen awareness of~~
948 ~~existing patterns of movement in the body as well as to suggest new possibilities of~~
949 ~~movement while engaged within the scope of practice of a profession with established~~
950 ~~standards and ethics, provided that his or her services are not designated or implied to be~~
951 ~~massage or massage therapy;~~

952 ~~(7) A person who uses touch and movement education to effect change in the structure~~
953 ~~of the body while engaged in the practice of structural integration, provided that he or she~~
954 ~~is a member of, or whose training would qualify for membership in, the International~~
955 ~~Association of Structural Integrators and provided that his or her services are not~~
956 ~~designated or implied to be massage or massage therapy;~~

957 ~~(8) A person who uses touch to affect the energy systems, polarity, acupoints, or Qi~~
958 ~~meridians, also known as channels of energy, of the human body while engaged within~~
959 ~~the scope of practice of a profession with established standards and ethics, provided that~~
960 ~~his or her services are not designated or implied to be massage or massage therapy;~~

961 ~~(9) A person who was engaged in massage therapy practice prior to July 1, 2005;~~
962 ~~provided, however, that the prohibition of subsection (c) of Code Section 43-24A-15 shall~~
963 ~~apply to such a person on and after July 1, 2007; or~~

964 ~~(10)(6)~~ A person licensed under other chapters of this title providing cupping therapy or
 965 taping techniques that are authorized within the scope of practice of such person."

966 **SECTION 2-5.**

967 Said title is further amended by revising subsection (a) of Code Section 43-24A-20, relating
 968 to continuing education requirements, as follows:

969 "(a) The board shall establish continuing education requirements not to exceed 25 hours
 970 per biennium in massage therapy, its complementary methods as defined by the board, ~~or~~
 971 ~~any of the modalities described in paragraphs (5) through (8) of subsection (a) of Code~~
 972 ~~Section 43-24A-19.~~ The board shall by rule establish criteria for the approval of continuing
 973 education programs or courses. The programs or courses approved by the board may
 974 include correspondence courses that meet the requirements for continuing education
 975 programs or courses."

976 **SECTION 2-6.**

977 Said title is further amended by adding a new article to read as follows:

978 "ARTICLE 3

979 43-24A-40.

980 This article shall be known and may be cited as the 'Interstate Massage Compact Act.'

981 43-24A-41.

982 The Interstate Massage Compact is enacted into law and entered into by the State of
 983 Georgia with any and all other states legally joining therein in the form substantially as
 984 follows:

985 'INTERSTATE MASSAGE COMPACT

986 ARTICLE 1- PURPOSE

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

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

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

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

1000 C. Enhance the Member States' ability to prevent human trafficking and licensure fraud;

1001 D. Encourage the cooperation of Member States in regulating the multistate Practice of
1002 Massage Therapy;

1003 E. Support relocating military members and their spouses;

1004 F. Facilitate and enhance the exchange of licensure, investigative, and disciplinary
1005 information between the Member States;

1006 G. Create an Interstate Commission that will exist to implement and administer the
1007 Compact;

1008 H. Allow a Member State to hold a Licensee accountable, even where that Licensee holds
1009 a Multistate License;

1010 I. Create a streamlined pathway for Licensees to practice in Member States, thus
1011 increasing the mobility of duly licensed massage therapists; and

1012 J. Serve the needs of licensed massage therapists and the public receiving their services;
1013 however,
1014 K. Nothing in this Compact is intended to prevent a State from enforcing its own laws
1015 regarding the Practice of Massage Therapy.

1016 ARTICLE 2- DEFINITIONS

1017 As used in this Compact, except as otherwise provided and subject to clarification by the
1018 Rules of the Commission, the following definitions shall govern the terms herein:

1019 A. "Active Duty Military" - any individual in full-time duty status in the active uniformed
1020 service of the United States including members of the National Guard and Reserve.

1021 B. "Adverse Action" - any administrative, civil, equitable, or criminal action permitted by
1022 a Member State's laws which is imposed by a Licensing Authority or other regulatory body
1023 against a Licensee, including actions against an individual's Authorization to Practice such
1024 as revocation, suspension, probation, surrender in lieu of discipline, monitoring of the
1025 Licensee, limitation of the Licensee's practice, or any other Encumbrance on licensure
1026 affecting an individual's ability to practice Massage Therapy, including the issuance of a
1027 cease and desist order.

1028 C. "Alternative Program" - a non-disciplinary monitoring or prosecutorial diversion
1029 program approved by a Member State's Licensing Authority.

1030 D. "Authorization to Practice" - a legal authorization by a Remote State pursuant to a
1031 Multistate License permitting the Practice of Massage Therapy in that Remote State, which
1032 shall be subject to the enforcement jurisdiction of the Licensing Authority in that Remote
1033 State.

1034 E. "Background Check" - the submission of an applicant's criminal history record
1035 information, as further defined in 28 C.F.R. § 20.3(d), as amended from the Federal Bureau
1036 of Investigation and the agency responsible for retaining State criminal records in the
1037 applicant's Home State.

- 1038 F. "Charter Member States" - Member States who have enacted legislation to adopt this
1039 Compact where such legislation predates the effective date of this Compact as defined in
1040 Article 12.
- 1041 G. "Commission" - the government agency whose membership consists of all States that
1042 have enacted this Compact, which is known as the Interstate Massage Compact
1043 Commission, as defined in Article 8, and which shall operate as an instrumentality of the
1044 Member States.
- 1045 H. "Continuing Competence" - a requirement, as a condition of license renewal, to provide
1046 evidence of participation in, and completion of, educational or professional activities that
1047 maintain, improve, or enhance Massage Therapy fitness to practice.
- 1048 I. "Current Significant Investigative Information" - Investigative Information that a
1049 Licensing Authority, after an inquiry or investigation that complies with a Member State's
1050 due process requirements, has reason to believe is not groundless and, if proved true, would
1051 indicate a violation of that State's laws regarding the Practice of Massage Therapy.
- 1052 J. "Data System" - a repository of information about Licensees who hold Multistate
1053 Licenses, which may include but is not limited to license status, Investigative Information,
1054 and Adverse Actions.
- 1055 K. "Disqualifying Event" - any event which shall disqualify an individual from holding
1056 a Multistate License under this Compact, which the Commission may by Rule specify.
- 1057 L. "Encumbrance" - a revocation or suspension of, or any limitation or condition on, the
1058 full and unrestricted Practice of Massage Therapy by a Licensing Authority.
- 1059 M. "Executive Committee" - a group of delegates elected or appointed to act on behalf of,
1060 and within the powers granted to them by, the Commission.
- 1061 N. "Home State" - means the Member State which is a Licensee's primary state of
1062 residence where the Licensee holds an active Single-State License.
- 1063 O. "Investigative Information" - information, records, or documents received or generated
1064 by a Licensing Authority pursuant to an investigation or other inquiry.

- 1065 P. "Licensing Authority" - a State's regulatory body responsible for issuing Massage
1066 Therapy licenses or otherwise overseeing the Practice of Massage Therapy in that State.
- 1067 Q. "Licensee" - an individual who currently holds a license from a Member State to fully
1068 practice Massage Therapy, whose license is not a student, provisional, temporary, inactive,
1069 or other similar status.
- 1070 R. "Massage Therapy", "Massage Therapy Services", and the "Practice of Massage
1071 Therapy" - the care and services provided by a Licensee as set forth in the Member State's
1072 statutes and regulations in the State where the services are being provided.
- 1073 S. "Member State" - any State that has adopted this Compact.
- 1074 T. "Multistate License" - a license that consists of Authorizations to Practice Massage
1075 Therapy in all Remote States pursuant to this Compact, which shall be subject to the
1076 enforcement jurisdiction of the Licensing Authority in a Licensee's Home State.
- 1077 U. "National Licensing Examination" - A national examination developed by a national
1078 association of Massage Therapy regulatory boards, as defined by Commission Rule, that
1079 is derived from a practice analysis and is consistent with generally accepted psychometric
1080 principles of fairness, validity and reliability, and is administered under secure and
1081 confidential examination protocols.
- 1082 V. "Remote State" - any Member State, other than the Licensee's Home State.
- 1083 W. "Rule" - any opinion or regulation promulgated by the Commission under this
1084 Compact, which shall have the force of law.
- 1085 X. "Single-State License" - a current, valid authorization issued by a Member State's
1086 Licensing Authority allowing an individual to fully practice Massage Therapy, that is not
1087 a restricted, student, provisional, temporary, or inactive practice authorization and
1088 authorizes practice only within the issuing State.
- 1089 Y. "State" - a state, territory, possession of the United States, or the District of Columbia.

1090 ARTICLE 3- MEMBER STATE REQUIREMENTS

1091 A. To be eligible to join this Compact, and to maintain eligibility as a Member State, a
1092 State must:

1093 1. License and regulate the Practice of Massage Therapy;

1094 2. Have a mechanism or entity in place to receive and investigate complaints from the
1095 public, regulatory or law enforcement agencies, or the Commission about Licensees
1096 practicing in that State;

1097 3. Accept passage of a National Licensing Examination as a criterion for Massage
1098 Therapy licensure in that State;

1099 4. Require that Licensees satisfy educational requirements prior to being licensed to
1100 provide Massage Therapy Services to the public in that State;

1101 5. Implement procedures for requiring the Background Check of applicants for a
1102 Multistate License, and for the reporting of any Disqualifying Events, including but not
1103 limited to obtaining and submitting, for each Licensee holding a Multistate License and
1104 each applicant for a Multistate License, fingerprint or other biometric-based information
1105 to the Federal Bureau of Investigation for Background Checks; receiving the results of
1106 the Federal Bureau of Investigation record search on Background Checks and considering
1107 the results of such a Background Check in making licensure decisions;

1108 6. Have Continuing Competence requirements as a condition for license renewal;

1109 7. Participate in the Data System, including through the use of unique identifying
1110 numbers as described herein;

1111 8. Notify the Commission and other Member States, in compliance with the terms of the
1112 Compact and Rules of the Commission, of any disciplinary action taken by the State
1113 against a Licensee practicing under a Multistate License in that State, or of the existence
1114 of Investigative Information or Current Significant Investigative Information regarding
1115 a Licensee practicing in that State pursuant to a Multistate License;

1116 9. Comply with the Rules of the Commission;

1117 10. Accept Licensees with valid Multistate Licenses from other Member States as
1118 established herein;

1119 B. Individuals not residing in a Member State shall continue to be able to apply for a
1120 Member State's Single-State License as provided under the laws of each Member State.
1121 However, the Single-State License granted to those individuals shall not be recognized as
1122 granting a Multistate License for Massage Therapy in any other Member State;

1123 C. Nothing in this Compact shall affect the requirements established by a Member State
1124 for the issuance of a Single-State License; and

1125 D. A Multistate License issued to a Licensee shall be recognized by each Remote State as
1126 an Authorization to Practice Massage Therapy in each Remote State.

1127 ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS

1128 A. To qualify for a Multistate License under this Compact, and to maintain eligibility for
1129 such a license, an applicant must:

1130 1. Hold an active Single-State License to practice Massage Therapy in the applicant's
1131 Home State;

1132 2. Have completed at least six hundred and twenty-five (625) clock hours of Massage
1133 Therapy education or the substantial equivalent which the Commission may approve by
1134 Rule.

1135 3. Have passed a National Licensing Examination or the substantial equivalent which the
1136 Commission may approve by Rule.

1137 4. Submit to a Background Check;

1138 5. Have not been convicted or found guilty, or have entered into an agreed disposition,
1139 of a felony offense under applicable State or federal criminal law, within five (5) years
1140 prior to the date of their application, where such a time period shall not include any time
1141 served for the offense, and provided that the applicant has completed any and all
1142 requirements arising as a result of any such offense;

- 1143 6. Have not been convicted or found guilty, or have entered into an agreed disposition,
1144 of a misdemeanor offense related to the Practice of Massage Therapy under applicable
1145 State or federal criminal law, within two (2) years prior to the date of their application
1146 where such a time period shall not include any time served for the offense, and provided
1147 that the applicant has completed any and all requirements arising as a result of any such
1148 offense;
- 1149 7. Have not been convicted or found guilty, or have entered into an agreed disposition,
1150 of any offense, whether a misdemeanor or a felony, under State or federal law, at any
1151 time, relating to any of the following:
- 1152 a. Kidnapping;
 - 1153 b. Human trafficking;
 - 1154 c. Human smuggling;
 - 1155 d. Sexual battery, sexual assault, or any related offenses; or
 - 1156 e. Any other category of offense which the Commission may by Rule designate.
- 1157 8. Have not previously held a Massage Therapy license which was revoked by, or
1158 surrendered in lieu of discipline to an applicable Licensing Authority;
- 1159 9. Have no history of any Adverse Action on any occupational or professional license
1160 within two (2) years prior to the date of their application; and
- 1161 10. Pay all required fees.
- 1162 B. A Multistate License granted pursuant to this Compact may be effective for a definite
1163 period of time concurrent with the renewal of the Home State license.
- 1164 C. A Licensee practicing in a Member State is subject to all scope of practice laws
1165 governing Massage Therapy Services in that State.
- 1166 D. The Practice of Massage Therapy under a Multistate License granted pursuant to this
1167 Compact will subject the Licensee to the jurisdiction of the Licensing Authority, the courts,
1168 and the laws of the Member State in which the Massage Therapy Services are provided.

1169 ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION
1170 AND MEMBER STATE LICENSING AUTHORITIES

1171 A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
1172 restrict, or in any way reduce the ability of a Member State to enact and enforce laws,
1173 regulations, or other rules related to the Practice of Massage Therapy in that State, where
1174 those laws, regulations, or other rules are not inconsistent with the provisions of this
1175 Compact.

1176 B. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
1177 restrict, or in any way reduce the ability of a Member State to take Adverse Action against
1178 a Licensee's Single-State License to practice Massage Therapy in that State.

1179 C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
1180 restrict, or in any way reduce the ability of a Remote State to take Adverse Action against
1181 a Licensee's Authorization to Practice in that State.

1182 D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit,
1183 restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action
1184 against a Licensee's Multistate License based upon information provided by a Remote
1185 State.

1186 E. Insofar as practical, a Member State's Licensing Authority shall cooperate with the
1187 Commission and with each entity exercising independent regulatory authority over the
1188 Practice of Massage Therapy according to the provisions of this Compact.

1189 ARTICLE 6- ADVERSE ACTIONS

1190 A. A Licensee's Home State shall have exclusive power to impose an Adverse Action
1191 against a Licensee's Multistate License issued by the Home State.

1192 B. A Home State may take Adverse Action on a Multistate License based on the
1193 Investigative Information, Current Significant Investigative Information, or Adverse Action
1194 of a Remote State.

1195 C. A Home State shall retain authority to complete any pending investigations of a
1196 Licensee practicing under a Multistate License who changes their Home State during the
1197 course of such an investigation. The Licensing Authority shall also be empowered to
1198 report the results of such an investigation to the Commission through the Data System as
1199 described herein.

1200 D. Any Member State may investigate actual or alleged violations of the scope of practice
1201 laws in any other Member State for a massage therapist who holds a Multistate License.

1202 E. A Remote State shall have the authority to:

1203 1. Take Adverse Actions against a Licensee's Authorization to Practice;

1204 2. Issue cease and desist orders or impose an Encumbrance on a Licensee's Authorization
1205 to Practice in that State.

1206 3. Issue subpoenas for both hearings and investigations that require the attendance and
1207 testimony of witnesses, as well as the production of evidence. Subpoenas issued by a
1208 Licensing Authority in a Member State for the attendance and testimony of witnesses or
1209 the production of evidence from another Member State shall be enforced in the latter
1210 State by any court of competent jurisdiction, according to the practice and procedure of
1211 that court applicable to subpoenas issued in proceedings before it. The issuing Licensing
1212 Authority shall pay any witness fees, travel expenses, mileage, and other fees required
1213 by the service statutes of the State in which the witnesses or evidence are located.

1214 4. If otherwise permitted by State law, recover from the affected Licensee the costs of
1215 investigations and disposition of cases resulting from any Adverse Action taken against
1216 that Licensee.

1217 5. Take Adverse Action against the Licensee's Authorization to Practice in that State
1218 based on the factual findings of another Member State.

1219 F. If an Adverse Action is taken by the Home State against a Licensee's Multistate License
1220 or Single-State License to practice in the Home State, the Licensee's Authorization to
1221 Practice in all other Member States shall be deactivated until all Encumbrances have been

1222 removed from such license. All Home State disciplinary orders that impose an Adverse
1223 Action against a Licensee shall include a statement that the Massage Therapist's
1224 Authorization to Practice is deactivated in all Member States during the pendency of the
1225 order.

1226 G. If Adverse Action is taken by a Remote State against a Licensee's Authorization to
1227 Practice, that Adverse Action applies to all Authorizations to Practice in all Remote States.
1228 A Licensee whose Authorization to Practice in a Remote State is removed for a specified
1229 period of time is not eligible to apply for a new Multistate License in any other State until
1230 the specific time for removal of the Authorization to Practice has passed and all
1231 encumbrance requirements are satisfied.

1232 H. Nothing in this Compact shall override a Member State's authority to accept a
1233 Licensee's participation in an Alternative Program in lieu of Adverse Action. A Licensee's
1234 Multistate License shall be suspended for the duration of the Licensee's participation in any
1235 Alternative Program.

1236 I. Joint Investigations

1237 1. In addition to the authority granted to a Member State by its respective scope of
1238 practice laws or other applicable State law, a Member State may participate with other
1239 Member States in joint investigations of Licensees.

1240 2. Member States shall share any investigative, litigation, or compliance materials in
1241 furtherance of any joint or individual investigation initiated under the Compact.

1242 ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES

1243 Active Duty Military personnel, or their spouses, shall designate a Home State where the
1244 individual has a current license to practice Massage Therapy in good standing. The
1245 individual may retain their Home State designation during any period of service when that
1246 individual or their spouse is on active duty assignment.

1247 ARTICLE 8- ESTABLISHMENT AND OPERATION OF
1248 INTERSTATE MESSAGE COMPACT COMMISSION

1249 A. The Compact Member States hereby create and establish a joint government agency
1250 whose membership consists of all Member States that have enacted the Compact known
1251 as the Interstate Message Compact Commission. The Commission is an instrumentality
1252 of the Compact States acting jointly and not an instrumentality of any one State. The
1253 Commission shall come into existence on or after the effective date of the Compact as set
1254 forth in Article 12.

1255 B. Membership, Voting, and Meetings

1256 1. Each Member State shall have and be limited to one (1) delegate selected by that
1257 Member State's State Licensing Authority.

1258 2. The delegate shall be the primary administrative officer of the State Licensing
1259 Authority or their designee.

1260 3. The Commission shall by Rule or bylaw establish a term of office for delegates and
1261 may by Rule or bylaw establish term limits.

1262 4. The Commission may recommend removal or suspension of any delegate from office.

1263 5. A Member State's State Licensing Authority shall fill any vacancy of its delegate
1264 occurring on the Commission within 60 days of the vacancy.

1265 6. Each delegate shall be entitled to one vote on all matters that are voted on by the
1266 Commission.

1267 7. The Commission shall meet at least once during each calendar year. Additional
1268 meetings may be held as set forth in the bylaws. The Commission may meet by
1269 telecommunication, video conference or other similar electronic means.

1270 C. The Commission shall have the following powers:

1271 1. Establish the fiscal year of the Commission;

1272 2. Establish code of conduct and conflict of interest policies;

- 1273 3. Adopt Rules and bylaws;
- 1274 4. Maintain its financial records in accordance with the bylaws;
- 1275 5. Meet and take such actions as are consistent with the provisions of this Compact, the
1276 Commission's Rules, and the bylaws;
- 1277 6. Initiate and conclude legal proceedings or actions in the name of the Commission,
1278 provided that the standing of any State Licensing Authority to sue or be sued under
1279 applicable law shall not be affected;
- 1280 7. Maintain and certify records and information provided to a Member State as the
1281 authenticated business records of the Commission, and designate an agent to do so on the
1282 Commission's behalf;
- 1283 8. Purchase and maintain insurance and bonds;
- 1284 9. Borrow, accept, or contract for services of personnel, including, but not limited to,
1285 employees of a Member State;
- 1286 10. Conduct an annual financial review;
- 1287 11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such
1288 individuals appropriate authority to carry out the purposes of the Compact, and establish
1289 the Commission's personnel policies and programs relating to conflicts of interest,
1290 qualifications of personnel, and other related personnel matters;
- 1291 12. Assess and collect fees;
- 1292 13. Accept any and all appropriate gifts, donations, grants of money, other sources of
1293 revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose
1294 of the same; provided that at all times the Commission shall avoid any appearance of
1295 impropriety or conflict of interest;
- 1296 14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or
1297 mixed, or any undivided interest therein;
- 1298 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
1299 any property real, personal, or mixed;

- 1300 16. Establish a budget and make expenditures;
1301 17. Borrow money;
1302 18. Appoint committees, including standing committees, composed of members, State
1303 regulators, State legislators or their representatives, and consumer representatives, and
1304 such other interested persons as may be designated in this Compact and the bylaws;
1305 19. Accept and transmit complaints from the public, regulatory or law enforcement
1306 agencies, or the Commission, to the relevant Member State(s) regarding potential
1307 misconduct of Licensees;
1308 20. Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers of the
1309 Commission as provided in the Commission's bylaws;
1310 21. Establish and elect an Executive Committee, including a chair and a vice chair;
1311 22. Adopt and provide to the Member States an annual report.
1312 23. Determine whether a State's adopted language is materially different from the model
1313 Compact language such that the State would not qualify for participation in the Compact;
1314 and
1315 24. Perform such other functions as may be necessary or appropriate to achieve the
1316 purposes of this Compact.
- 1317 D. The Executive Committee
- 1318 1. The Executive Committee shall have the power to act on behalf of the Commission
1319 according to the terms of this Compact. The powers, duties, and responsibilities of the
1320 Executive Committee shall include:
- 1321 a. Overseeing the day-to-day activities of the administration of the Compact including
1322 compliance with the provisions of the Compact, the Commission's Rules and bylaws,
1323 and other such duties as deemed necessary;
- 1324 b. Recommending to the Commission changes to the Rules or bylaws, changes to this
1325 Compact legislation, fees charged to Compact Member States, fees charged to
1326 Licensees, and other fees;

- 1327 c. Ensuring Compact administration services are appropriately provided, including by
1328 contract;
- 1329 d. Preparing and recommending the budget;
- 1330 e. Maintaining financial records on behalf of the Commission;
- 1331 f. Monitoring Compact compliance of Member States and providing compliance
1332 reports to the Commission;
- 1333 g. Establishing additional committees as necessary;
- 1334 h. Exercise the powers and duties of the Commission during the interim between
1335 Commission meetings, except for adopting or amending Rules, adopting or amending
1336 bylaws, and exercising any other powers and duties expressly reserved to the
1337 Commission by Rule or bylaw; and
- 1338 i. Other duties as provided in the Rules or bylaws of the Commission.
- 1339 2. The Executive Committee shall be composed of seven voting members and up to two
1340 exofficio members as follows:
- 1341 a. The chair and vice chair of the Commission and any other members of the
1342 Commission who serve on the Executive Committee shall be voting members of the
1343 Executive Committee; and
- 1344 b. Other than the chair, vice-chair, secretary and treasurer, the Commission shall elect
1345 three voting members from the current membership of the Commission.
- 1346 c. The Commission may elect ex-officio, nonvoting members as necessary as follows:
- 1347 i. One ex-officio member who is a representative of the national association of State
1348 Massage Therapy regulatory boards; and
- 1349 ii. One ex-officio member as specified in the Commission's bylaws.
- 1350 3. The Commission may remove any member of the Executive Committee as provided
1351 in the Commission's bylaws.
- 1352 4. The Executive Committee shall meet at least annually.

1353 a. Executive Committee meetings shall be open to the public, except that the Executive
 1354 Committee may meet in a closed, non-public session of a public meeting when dealing
 1355 with any of the matters covered under subsection F.4.

1356 b. The Executive Committee shall give five business days advance notice of its public
 1357 meetings, posted on its website and as determined to provide notice to persons with an
 1358 interest in the public matters the Executive Committee intends to address at those
 1359 meetings.

1360 5. The Executive Committee may hold an emergency meeting when acting for the
 1361 Commission to:

- 1362 a. Meet an imminent threat to public health, safety, or welfare;
- 1363 b. Prevent a loss of Commission or Participating State funds; or
- 1364 c. Protect public health and safety.

1365 E. The Commission shall adopt and provide to the Member States an annual report.

1366 F. Meetings of the Commission

1367 1. All meetings of the Commission that are not closed pursuant to this subsection shall
 1368 be open to the public. Notice of public meetings shall be posted on the Commission's
 1369 website at least thirty (30) days prior to the public meeting.

1370 2. Notwithstanding subsection F.1 of this Article, the Commission may convene an
 1371 emergency public meeting by providing at least twenty-four (24) hours prior notice on
 1372 the Commission's website, and any other means as provided in the Commission's Rules,
 1373 for any of the reasons it may dispense with notice of proposed rulemaking under Article
 1374 10.L. The Commission's legal counsel shall certify the that one of the reasons justifying
 1375 an emergency public meeting has been met.

1376 3. Notice of all Commission meetings shall provide the time, date, and location of the
 1377 meeting, and if the meeting is to be held or accessible via telecommunication, video
 1378 conference, or other electronic means, the notice shall include the mechanism for access
 1379 to the meeting.

- 1380 4. The Commission may convene in a closed, non-public meeting for the Commission
1381 to discuss:
- 1382 a. Non-compliance of a Member State with its obligations under the Compact;
 - 1383 b. The employment, compensation, discipline or other matters, practices or procedures
1384 related to specific employees or other matters related to the Commission's internal
1385 personnel practices and procedures;
 - 1386 c. Current or threatened discipline of a Licensee by the Commission or by a Member
1387 State's Licensing Authority;
 - 1388 d. Current, threatened, or reasonably anticipated litigation;
 - 1389 e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real
1390 estate;
 - 1391 f. Accusing any person of a crime or formally censuring any person;
 - 1392 g. Trade secrets or commercial or financial information that is privileged or
1393 confidential;
 - 1394 h. Information of a personal nature where disclosure would constitute a clearly
1395 unwarranted invasion of personal privacy;
 - 1396 i. Investigative records compiled for law enforcement purposes;
 - 1397 j. Information related to any investigative reports prepared by or on behalf of or for use
1398 of the Commission or other committee charged with responsibility of investigation or
1399 determination of compliance issues pursuant to the Compact;
 - 1400 k. Legal advice;
 - 1401 l. Matters specifically exempted from disclosure to the public by federal or Member
1402 State law; or
 - 1403 m. Other matters as promulgated by the Commission by Rule.
- 1404 5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the
1405 meeting will be closed and reference each relevant exempting provision, and such
1406 reference shall be recorded in the minutes.

1407 6. The Commission shall keep minutes that fully and clearly describe all matters
1408 discussed in a meeting and shall provide a full and accurate summary of actions taken,
1409 and the reasons therefore, including a description of the views expressed. All documents
1410 considered in connection with an action shall be identified in such minutes. All minutes
1411 and documents of a closed meeting shall remain under seal, subject to release only by a
1412 majority vote of the Commission or order of a court of competent jurisdiction.

1413 G. Financing of the Commission

1414 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
1415 its establishment, organization, and ongoing activities.

1416 2. The Commission may accept any and all appropriate sources of revenue, donations,
1417 and grants of money, equipment, supplies, materials, and services.

1418 3. The Commission may levy on and collect an annual assessment from each Member
1419 State and impose fees on Licensees of Member States to whom it grants a Multistate
1420 License to cover the cost of the operations and activities of the Commission and its staff,
1421 which must be in a total amount sufficient to cover its annual budget as approved each
1422 year for which revenue is not provided by other sources. The aggregate annual
1423 assessment amount for Member States shall be allocated based upon a formula that the
1424 Commission shall promulgate by Rule.

1425 4. The Commission shall not incur obligations of any kind prior to securing the funds
1426 adequate to meet the same; nor shall the Commission pledge the credit of any Member
1427 States, except by and with the authority of the Member State.

1428 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
1429 receipts and disbursements of the Commission shall be subject to the financial review and
1430 accounting procedures established under its bylaws. All receipts and disbursements of
1431 funds handled by the Commission shall be subject to an annual financial review by a
1432 certified or licensed public accountant, and the report of the financial review shall be
1433 included in and become part of the annual report of the Commission.

1434 H. Qualified Immunity, Defense, and Indemnification

1435 1. The members, officers, executive director, employees and representatives of the
1436 Commission shall be immune from suit and liability, both personally and in their official
1437 capacity, for any claim for damage to or loss of property or personal injury or other civil
1438 liability caused by or arising out of any actual or alleged act, error, or omission that
1439 occurred, or that the person against whom the claim is made had a reasonable basis for
1440 believing occurred within the scope of Commission employment, duties or
1441 responsibilities; provided that nothing in this paragraph shall be construed to protect any
1442 such person from suit or liability for any damage, loss, injury, or liability caused by the
1443 intentional or willful or wanton misconduct of that person. The procurement of insurance
1444 of any type by the Commission shall not in any way compromise or limit the immunity
1445 granted hereunder.

1446 2. The Commission shall defend any member, officer, executive director, employee, and
1447 representative of the Commission in any civil action seeking to impose liability arising
1448 out of any actual or alleged act, error, or omission that occurred within the scope of
1449 Commission employment, duties, or responsibilities, or as determined by the Commission
1450 that the person against whom the claim is made had a reasonable basis for believing
1451 occurred within the scope of Commission employment, duties, or responsibilities;
1452 provided that nothing herein shall be construed to prohibit that person from retaining their
1453 own counsel at their own expense; and provided further, that the actual or alleged act,
1454 error, or omission did not result from that person's intentional or willful or wanton
1455 misconduct.

1456 3. The Commission shall indemnify and hold harmless any member, officer, executive
1457 director, employee, and representative of the Commission for the amount of any
1458 settlement or judgment obtained against that person arising out of any actual or alleged
1459 act, error, or omission that occurred within the scope of Commission employment, duties,
1460 or responsibilities, or that such person had a reasonable basis for believing occurred

1461 within the scope of Commission employment, duties, or responsibilities, provided that
1462 the actual or alleged act, error, or omission did not result from the intentional or willful
1463 or wanton misconduct of that person.

1464 4. Nothing herein shall be construed as a limitation on the liability of any Licensee for
1465 professional malpractice or misconduct, which shall be governed solely by any other
1466 applicable State laws.

1467 5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member
1468 State's State action immunity or State action affirmative defense with respect to antitrust
1469 claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or
1470 anticompetitive law or regulation.

1471 6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by
1472 the Member States or by the Commission.

1473 ARTICLE 9- DATA SYSTEM

1474 A. The Commission shall provide for the development, maintenance, operation, and
1475 utilization of a coordinated database and reporting system.

1476 B. The Commission shall assign each applicant for a Multistate License a unique
1477 identifier, as determined by the Rules of the Commission.

1478 C. Notwithstanding any other provision of State law to the contrary, a Member State shall
1479 submit a uniform data set to the Data System on all individuals to whom this Compact is
1480 applicable as required by the Rules of the Commission, including:

1481 1. Identifying information;

1482 2. Licensure data;

1483 3. Adverse Actions against a license and information related thereto;

1484 4. Non-confidential information related to Alternative Program participation, the
1485 beginning and ending dates of such participation, and other information related to such
1486 participation;

- 1487 5. Any denial of application for licensure, and the reason(s) for such denial (excluding
1488 the reporting of any criminal history record information where prohibited by law);
- 1489 6. The existence of Investigative Information;
- 1490 7. The existence presence of Current Significant Investigative Information; and
- 1491 8. Other information that may facilitate the administration of this Compact or the
1492 protection of the public, as determined by the Rules of the Commission.
- 1493 D. The records and information provided to a Member State pursuant to this Compact or
1494 through the Data System, when certified by the Commission or an agent thereof, shall
1495 constitute the authenticated business records of the Commission, and shall be entitled to
1496 any associated hearsay exception in any relevant judicial, quasi-judicial or administrative
1497 proceedings in a Member State.
- 1498 E. The existence of Current Significant Investigative Information and the existence of
1499 Investigative Information pertaining to a Licensee in any Member State will only be
1500 available to other Member States.
- 1501 F. It is the responsibility of the Member States to report any Adverse Action against a
1502 Licensee who holds a Multistate License and to monitor the database to determine whether
1503 Adverse Action has been taken against such a Licensee or License applicant. Adverse
1504 Action information pertaining to a Licensee or License applicant in any Member State will
1505 be available to any other Member State.
- 1506 G. Member States contributing information to the Data System may designate information
1507 that may not be shared with the public without the express permission of the contributing
1508 State.
- 1509 H. Any information submitted to the Data System that is subsequently expunged pursuant
1510 to federal law or the laws of the Member State contributing the information shall be
1511 removed from the Data System.

1512 ARTICLE 10- RULEMAKING

1513 A. The Commission shall promulgate reasonable Rules in order to effectively and
1514 efficiently implement and administer the purposes and provisions of the Compact. A Rule
1515 shall be invalid and have no force or effect only if a court of competent jurisdiction holds
1516 that the Rule is invalid because the Commission exercised its rulemaking authority in a
1517 manner that is beyond the scope and purposes of the Compact, or the powers granted
1518 hereunder, or based upon another applicable standard of review.

1519 B. The Rules of the Commission shall have the force of law in each Member State,
1520 provided however that where the Rules of the Commission conflict with the laws of the
1521 Member State that establish the Member State's scope of practice as held by a court of
1522 competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the
1523 extent of the conflict.

1524 C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth
1525 in this article and the Rules adopted thereunder. Rules shall become binding as of the date
1526 specified by the Commission for each Rule.

1527 D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule,
1528 by enactment of a statute or resolution in the same manner used to adopt the Compact
1529 within four (4) years of the date of adoption of the Rule, then such Rule shall have no
1530 further force and effect in any Member State or to any State applying to participate in the
1531 Compact.

1532 E. Rules shall be adopted at a regular or special meeting of the Commission.

1533 F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and
1534 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

1535 G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days
1536 in advance of the meeting at which the Commission will hold a public hearing on the
1537 proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1538 1. On the website of the Commission or other publicly accessible platform;

1539 2. To persons who have requested notice of the Commission's notices of proposed
1540 rulemaking, and

1541 3. In such other way(s) as the Commission may by Rule specify.

1542 H. The Notice of Proposed Rulemaking shall include:

1543 1. The time, date, and location of the public hearing at which the Commission will hear
1544 public comments on the proposed Rule and, if different, the time, date, and location of
1545 the meeting where the Commission will consider and vote on the proposed Rule;

1546 2. If the hearing is held via telecommunication, video conference, or other electronic
1547 means, the Commission shall include the mechanism for access to the hearing in the
1548 Notice of Proposed Rulemaking;

1549 3. The text of the proposed Rule and the reason therefor;

1550 4. A request for comments on the proposed Rule from any interested person; and

1551 5. The manner in which interested persons may submit written comments.

1552 I. All hearings will be recorded. A copy of the recording and all written comments and
1553 documents received by the Commission in response to the proposed Rule shall be available
1554 to the public.

1555 J. Nothing in this article shall be construed as requiring a separate hearing on each Rule.
1556 Rules may be grouped for the convenience of the Commission at hearings required by this
1557 article.

1558 K. The Commission shall, by majority vote of all Commissioners, take final action on the
1559 proposed Rule based on the Rulemaking record.

1560 1. The Commission may adopt changes to the proposed Rule provided the changes do
1561 not enlarge the original purpose of the proposed Rule.

1562 2. The Commission shall provide an explanation of the reasons for substantive changes
1563 made to the proposed Rule as well as reasons for substantive changes not made that were
1564 recommended by commenters.

1565 3. The Commission shall determine a reasonable effective date for the Rule. Except for
1566 an emergency as provided in subsection L of this article, the effective date of the Rule
1567 shall be no sooner than thirty (30) days after the Commission issuing the notice that it
1568 adopted or amended the Rule.

1569 L. Upon determination that an emergency exists, the Commission may consider and adopt
1570 an emergency Rule with 24 hours notice, provided that the usual Rulemaking procedures
1571 provided in the Compact and in this article shall be retroactively applied to the Rule as
1572 soon as reasonably possible, in no event later than ninety (90) days after the effective date
1573 of the Rule. For the purposes of this provision, an emergency Rule is one that must be
1574 adopted immediately to:

1575 1. Meet an imminent threat to public health, safety, or welfare;

1576 2. Prevent a loss of Commission or Member State funds;

1577 3. Meet a deadline for the promulgation of a Rule that is established by federal law or
1578 rule; or

1579 4. Protect public health and safety.

1580 M. The Commission or an authorized committee of the Commission may direct revisions
1581 to a previously adopted Rule for purposes of correcting typographical errors, errors in
1582 format, errors in consistency, or grammatical errors. Public notice of any revisions shall
1583 be posted on the website of the Commission. The revision shall be subject to challenge by
1584 any person for a period of thirty (30) days after posting. The revision may be challenged
1585 only on grounds that the revision results in a material change to a Rule. A challenge shall
1586 be made in writing and delivered to the Commission prior to the end of the notice period.
1587 If no challenge is made, the revision will take effect without further action. If the revision
1588 is challenged, the revision may not take effect without the approval of the Commission.

1589 N. No Member State's rulemaking requirements shall apply under this Compact.

1590 ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1591 A. Oversight

1592 1. The executive and judicial branches of State government in each Member State shall
1593 enforce this Compact and take all actions necessary and appropriate to implement the
1594 Compact.

1595 2. Venue is proper and judicial proceedings by or against the Commission shall be
1596 brought solely and exclusively in a court of competent jurisdiction where the principal
1597 office of the Commission is located. The Commission may waive venue and
1598 jurisdictional defenses to the extent it adopts or consents to participate in alternative
1599 dispute resolution proceedings. Nothing herein shall affect or limit the selection or
1600 propriety of venue in any action against a Licensee for professional malpractice,
1601 misconduct or any such similar matter.

1602 3. The Commission shall be entitled to receive service of process in any proceeding
1603 regarding the enforcement or interpretation of the Compact and shall have standing to
1604 intervene in such a proceeding for all purposes. Failure to provide the Commission
1605 service of process shall render a judgment or order void as to the Commission, this
1606 Compact, or promulgated Rules.

1607 B. Default, Technical Assistance, and Termination

1608 1. If the Commission determines that a Member State has defaulted in the performance
1609 of its obligations or responsibilities under this Compact or the promulgated Rules, the
1610 Commission shall provide written notice to the defaulting State. The notice of default
1611 shall describe the default, the proposed means of curing the default, and any other action
1612 that the Commission may take, and shall offer training and specific technical assistance
1613 regarding the default.

1614 2. The Commission shall provide a copy of the notice of default to the other Member
1615 States.

1616 C. If a State in default fails to cure the default, the defaulting State may be terminated from
1617 the Compact upon an affirmative vote of a majority of the delegates of the Member States,
1618 and all rights, privileges and benefits conferred on that State by this Compact may be
1619 terminated on the effective date of termination. A cure of the default does not relieve the
1620 offending State of obligations or liabilities incurred during the period of default.

1621 D. Termination of membership in the Compact shall be imposed only after all other means
1622 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall
1623 be given by the Commission to the governor, the majority and minority leaders of the
1624 defaulting State's legislature, the defaulting State's State Licensing Authority and each of
1625 the Member States' State Licensing Authority.

1626 E. A State that has been terminated is responsible for all assessments, obligations, and
1627 liabilities incurred through the effective date of termination, including obligations that
1628 extend beyond the effective date of termination.

1629 F. Upon the termination of a State's membership from this Compact, that State shall
1630 immediately provide notice to all Licensees who hold a Multistate License within that State
1631 of such termination. The terminated State shall continue to recognize all licenses granted
1632 pursuant to this Compact for a minimum of one hundred eighty (180) days after the date
1633 of said notice of termination.

1634 G. The Commission shall not bear any costs related to a State that is found to be in default
1635 or that has been terminated from the Compact, unless agreed upon in writing between the
1636 Commission and the defaulting State.

1637 H. The defaulting State may appeal the action of the Commission by petitioning the U.S.
1638 District Court for the District of Columbia or the federal district where the Commission has
1639 its principal offices. The prevailing party shall be awarded all costs of such litigation,
1640 including reasonable attorney's fees.

1641 I. Dispute Resolution

1642 1. Upon request by a Member State, the Commission shall attempt to resolve disputes
1643 related to the Compact that arise among Member States and between Member and
1644 non-Member States.

1645 2. The Commission shall promulgate a Rule providing for both mediation and binding
1646 dispute resolution for disputes as appropriate.

1647 J. Enforcement

1648 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
1649 provisions of this Compact and the Commission's Rules.

1650 2. By majority vote as provided by Commission Rule, the Commission may initiate legal
1651 action against a Member State in default in the United States District Court for the
1652 District of Columbia or the federal district where the Commission has its principal offices
1653 to enforce compliance with the provisions of the Compact and its promulgated Rules.
1654 The relief sought may include both injunctive relief and damages. In the event judicial
1655 enforcement is necessary, the prevailing party shall be awarded all costs of such
1656 litigation, including reasonable attorney's fees. The remedies herein shall not be the
1657 exclusive remedies of the Commission. The Commission may pursue any other remedies
1658 available under federal or the defaulting Member State's law.

1659 3. A Member State may initiate legal action against the Commission in the U.S. District
1660 Court for the District of Columbia or the federal district where the Commission has its
1661 principal offices to enforce compliance with the provisions of the Compact and its
1662 promulgated Rules. The relief sought may include both injunctive relief and damages.
1663 In the event judicial enforcement is necessary, the prevailing party shall be awarded all
1664 costs of such litigation, including reasonable attorney's fees.

1665 4. No individual or entity other than a Member State may enforce this Compact against
1666 the Commission.

1667 ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1668 A. The Compact shall come into effect on the date on which the Compact statute is
1669 enacted into law in the seventh Member State.

1670 1. On or after the effective date of the Compact, the Commission shall convene and
1671 review the enactment of each of the Charter Member States to determine if the statute
1672 enacted by each such Charter Member State is materially different than the model
1673 Compact statute.

1674 a. A Charter Member State whose enactment is found to be materially different from
1675 the model Compact statute shall be entitled to the default process set forth in Article 11.

1676 b. If any Member State is later found to be in default, or is terminated or withdraws
1677 from the Compact, the Commission shall remain in existence and the Compact shall
1678 remain in effect even if the number of Member States should be less than seven (7).

1679 2. Member States enacting the Compact subsequent to the Charter Member States shall
1680 be subject to the process set forth in Article 8.C.23 to determine if their enactments are
1681 materially different from the model Compact statute and whether they qualify for
1682 participation in the Compact.

1683 3. All actions taken for the benefit of the Commission or in furtherance of the purposes
1684 of the administration of the Compact prior to the effective date of the Compact or the
1685 Commission coming into existence shall be considered to be actions of the Commission
1686 unless specifically repudiated by the Commission.

1687 4. Any State that joins the Compact shall be subject to the Commission's Rules and
1688 bylaws as they exist on the date on which the Compact becomes law in that State. Any
1689 Rule that has been previously adopted by the Commission shall have the full force and
1690 effect of law on the day the Compact becomes law in that State.

1691 B. Any Member State may withdraw from this Compact by enacting a statute repealing
1692 that State's enactment of the Compact.

- 1693 1. A Member State's withdrawal shall not take effect until one hundred eighty (180) days
1694 after enactment of the repealing statute.
- 1695 2. Withdrawal shall not affect the continuing requirement of the withdrawing State's
1696 Licensing Authority to comply with the investigative and Adverse Action reporting
1697 requirements of this Compact prior to the effective date of withdrawal.
- 1698 3. Upon the enactment of a statute withdrawing from this Compact, a State shall
1699 immediately provide notice of such withdrawal to all Licensees within that State.
1700 Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing
1701 State shall continue to recognize all licenses granted pursuant to this Compact for a
1702 minimum of 180 days after the date of such notice of withdrawal.
- 1703 C. Nothing contained in this Compact shall be construed to invalidate or prevent any
1704 licensure agreement or other cooperative arrangement between a Member State and a
1705 non-Member State that does not conflict with the provisions of this Compact.
- 1706 D. This Compact may be amended by the Member States. No amendment to this Compact
1707 shall become effective and binding upon any Member State until it is enacted into the laws
1708 of all Member States.

1709 ARTICLE 13- CONSTRUCTION AND SEVERABILITY

- 1710 A. This Compact and the Commission's rulemaking authority shall be liberally construed
1711 so as to effectuate the purposes, and the implementation and administration of the
1712 Compact. Provisions of the Compact expressly authorizing or requiring the promulgation
1713 of Rules shall not be construed to limit the Commission's rulemaking authority solely for
1714 those purposes.
- 1715 B. The provisions of this Compact shall be severable and if any phrase, clause, sentence
1716 or provision of this Compact is held by a court of competent jurisdiction to be contrary to
1717 the constitution of any Member State, a State seeking participation in the Compact, or of
1718 the United States, or the applicability thereof to any government, agency, person or

1719 circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity
1720 of the remainder of this Compact and the applicability thereof to any other government,
1721 agency, person or circumstance shall not be affected thereby.

1722 C. Notwithstanding subsection B of this article, the Commission may deny a State's
1723 participation in the Compact or, in accordance with the requirements of Article 11.B,
1724 terminate a Member State's participation in the Compact, if it determines that a
1725 constitutional requirement of a Member State is a material departure from the Compact.
1726 Otherwise, if this Compact shall be held to be contrary to the constitution of any Member
1727 State, the Compact shall remain in full force and effect as to the remaining Member States
1728 and in full force and effect as to the Member State affected as to all severable matters.

1729 ARTICLE 14- CONSISTENT EFFECT AND
1730 CONFLICT WITH OTHER STATE LAWS

1731 Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State
1732 that is not inconsistent with the Compact.

1733 Any laws, statutes, regulations, or other legal requirements in a Member State in conflict
1734 with the Compact are superseded to the extent of the conflict.

1735 All permissible agreements between the Commission and the Member States are binding
1736 in accordance with their terms."

1737 **PART III**
1738 **SECTION 3-1.**

1739 All laws and parts of laws in conflict with this Act are repealed.