

State of Arkansas *As Engrossed: H2/13/25 H2/24/25*

95th General Assembly

A Bill

Regular Session, 2025

HOUSE BILL 1217

By: Representative Nazarenko

By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO ESTABLISH THE INTERSTATE MESSAGE COMPACT IN
ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE INTERSTATE MESSAGE
COMPACT IN ARKANSAS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, Chapter 86, is amended to add an
additional subchapter to read as follows:

Subchapter 4 – Interstate Message Compact

17-86-401. Text of compact.

The Interstate Message Compact is enacted into law and entered into by
this state with all states legally joining therein and in the form
substantially as follows:

INTERSTATE MESSAGE COMPACT

ARTICLE 1- PURPOSE

The purpose of this Compact is to reduce the burdens on State governments and
to facilitate the interstate practice and regulation of Massage Therapy with
the goal of improving public access to, and the safety of, Massage Therapy
Services. Through this Compact, the Member States seek to establish a
regulatory framework which provides for a new multistate licensing
program. Through this additional licensing pathway, the Member States seek to



1 provide increased value and mobility to licensed massage therapists in the
2 Member States, while ensuring the provision of safe, competent, and reliable
3 services to the public.

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

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

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

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

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

15 E. Support relocating military members and their spouses;

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

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

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

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

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

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

28
29 ARTICLE 2- DEFINITIONS

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

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

36 B. "Adverse Action" - any administrative, civil, equitable, or criminal

1 action permitted by a Member State's laws which is imposed by a Licensing
2 Authority or other regulatory body against a Licensee, including actions
3 against an individual's Authorization to Practice such as revocation,
4 suspension, probation, surrender in lieu of discipline, monitoring of the
5 Licensee, limitation of the Licensee's practice, or any other Encumbrance on
6 licensure affecting an individual's ability to practice Massage Therapy,
7 including the issuance of a cease and desist order.

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

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

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

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

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

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

29 I. "Current Significant Investigative Information" - Investigative
30 Information that a Licensing Authority, after an inquiry or investigation
31 that complies with a Member State's due process requirements, has reason to
32 believe is not groundless and, if proved true, would indicate a violation of
33 that State's laws regarding the Practice of Massage Therapy.

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

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

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

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

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

11 O. "Investigative Information" - information, records, or documents received
12 or generated by a Licensing Authority pursuant to an investigation or other
13 inquiry.

14 P. "Licensing Authority" - a State's regulatory body responsible for issuing
15 Massage Therapy licenses or otherwise overseeing the Practice of Massage
16 Therapy in that State.

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

20 R. "Massage Therapy", "Massage Therapy Services", and the "Practice of
21 Massage Therapy" - the care and services provided by a Licensee as set forth
22 in the Member State's statutes and regulations in the State where the
23 services are being provided.

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

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

29 U. "National Licensing Examination" - A national examination developed by a
30 national association of Massage Therapy regulatory boards, as defined by
31 Commission Rule, that is derived from a practice analysis and is consistent
32 with generally accepted psychometric principles of fairness, validity and
33 reliability, and is administered under secure and confidential examination
34 protocols.

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

36 W. "Rule" - any opinion or regulation promulgated by the Commission under

1 this Compact, which shall have the force of law.

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

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

9
10 ARTICLE 3- MEMBER STATE REQUIREMENTS

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

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

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

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

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

22 5. Implement procedures for requiring the Background Check of
23 applicants for a Multistate License, and for the reporting of any
24 Disqualifying Events, including but not limited to obtaining and submitting,
25 for each Licensee holding a Multistate License and each applicant for a
26 Multistate License, fingerprint or other biometric-based information to the
27 Federal Bureau of Investigation for Background Checks; receiving the results
28 of the Federal Bureau of Investigation record search on Background Checks and
29 considering the results of such a Background Check in making licensure
30 decisions;

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

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

35 8. Notify the Commission and other Member States, in compliance with
36 the terms of the Compact and Rules of the Commission, of any disciplinary

action taken by the State against a Licensee practicing under a Multistate License in that State, or of the existence of Investigative Information or Current Significant Investigative Information regarding a Licensee practicing in that State pursuant to a Multistate License;

9. Comply with the Rules of the Commission;

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

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

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

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

ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS

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

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

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

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

4. Submit to a Background Check;

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

6. Have not been convicted or found guilty, or have entered into an

1 agreed disposition, of a misdemeanor offense related to the Practice of
2 Massage Therapy under applicable State or federal criminal law, within two
3 (2) years prior to the date of their application where such a time period
4 shall not include any time served for the offense, and provided that the
5 applicant has completed any and all requirements arising as a result of any
6 such offense;

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

10 a. Kidnapping;

11 b. Human trafficking;

12 c. Human smuggling;

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

14 e. Any other category of offense which the Commission may by Rule
15 designate.

16 8. Have not previously held a Massage Therapy license which was
17 revoked by, or surrendered in lieu of discipline to an applicable Licensing
18 Authority;

19 9. Have no history of any Adverse Action on any occupational or
20 professional license within two (2) years prior to the date of their
21 application; and

22 10. Pay all required fees.

23 B. A Multistate License granted pursuant to this Compact may be effective
24 for a definite period of time concurrent with the renewal of the Home State
25 license.

26 C. A Licensee practicing in a Member State is subject to all scope of
27 practice laws governing Massage Therapy Services in that State.

28 D. The Practice of Massage Therapy under a Multistate License granted
29 pursuant to this Compact will subject the Licensee to the jurisdiction of the
30 Licensing Authority, the courts, and the laws of the Member State in which
31 the Massage Therapy Services are provided.

32
33 ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND MEMBER
34 STATE LICENSING AUTHORITIES

35 A. Nothing in this Compact, nor any Rule of the Commission, shall be
36 construed to limit, restrict, or in any way reduce the ability of a Member

1 State to enact and enforce laws, regulations, or other rules related to the
2 Practice of Massage Therapy in that State, where those laws, regulations, or
3 other rules are not inconsistent with the provisions of this Compact.

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

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

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

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

20
21 ARTICLE 6- ADVERSE ACTIONS

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

24 B. A Home State may take Adverse Action on a Multistate License based on the
25 Investigative Information, Current Significant Investigative Information, or
26 Adverse Action of a Remote State.

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

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

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

36 1. Take Adverse Actions against a Licensee's Authorization to

1 Practice;

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

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

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

17 5. Take Adverse Action against the Licensee's Authorization to
18 Practice in that State based on the factual findings of another Member State.
19 F. If an Adverse Action is taken by the Home State against a Licensee's
20 Multistate License or Single-State License to practice in the Home State, the
21 Licensee's Authorization to Practice in all other Member States shall be
22 deactivated until all Encumbrances have been removed from such license. All
23 Home State disciplinary orders that impose an Adverse Action against a
24 Licensee shall include a statement that the Massage Therapist's Authorization
25 to Practice is deactivated in all Member States during the pendency of the
26 order.

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

34 H. Nothing in this Compact shall override a Member State's authority to
35 accept a Licensee's participation in an Alternative Program in lieu of
36 Adverse Action. A Licensee's Multistate License shall be suspended for the

1 duration of the Licensee's participation in any Alternative Program.

2 I. Joint Investigations

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

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

10
11 ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES

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

17
18 ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE COMPACT
19 COMMISSION

20 A. The Compact Member States hereby create and establish a joint government
21 agency whose membership consists of all Member States that have enacted the
22 Compact known as the Interstate Massage Compact Commission. The Commission is
23 an instrumentality of the Compact States acting jointly and not an
24 instrumentality of any one State. The Commission shall come into existence on
25 or after the effective date of the Compact as set forth in Article 12.

26 B. Membership, Voting, and Meetings

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

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

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

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

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

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

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

7 C. The Commission shall have the following powers:

8 1. Establish the fiscal year of the Commission;

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

10 3. Adopt Rules and bylaws;

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

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

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

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

20 8. Purchase and maintain insurance and bonds;

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

23 10. Conduct an annual financial review;

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

29 12. Assess and collect fees;

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

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

36 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or

1 otherwise dispose of any property real, personal, or mixed;

2 16. Establish a budget and make expenditures;

3 17. Borrow money;

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

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

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

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

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

16 23. Determine whether a State's adopted language is materially
17 different from the model Compact language such that the State would not
18 qualify for participation in the Compact; and

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

21 D. The Executive Committee

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

25 a. Overseeing the day-to-day activities of the administration of
26 the Compact including compliance with the provisions of the Compact, the
27 Commission's Rules and bylaws, and other such duties as deemed necessary;

28 b. Recommending to the Commission changes to the Rules or
29 bylaws, changes to this Compact legislation, fees charged to Compact Member
30 States, fees charged to Licensees, and other fees;

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

33 d. Preparing and recommending the budget;

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

35 f. Monitoring Compact compliance of Member States and providing
36 compliance reports to the Commission;

1 g. Establishing additional committees as necessary;

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

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

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

10 a. The chair and vice chair of the Commission and any other
11 members of the Commission who serve on the Executive Committee shall be
12 voting members of the Executive Committee; and

13 b. Other than the chair, vice-chair, secretary and treasurer,
14 the Commission shall elect three voting members from the current membership
15 of the Commission.

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

18 i. One ex-officio member who is a representative of the
19 national association of State Massage Therapy regulatory boards

20 ii. One ex-officio member as specified in the Commission's
21 bylaws.

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

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

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

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

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

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

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

1 c. Protect public health and safety.

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

4 F. Meetings of the Commission

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

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

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

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

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

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

27 c. Current or threatened discipline of a Licensee by the
28 Commission or by a Member State's Licensing Authority;

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

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

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

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

36 h. Information of a personal nature where disclosure would

1 constitute a clearly unwarranted invasion of personal privacy;

2 i. Investigative records compiled for law enforcement purposes;

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

7 k. Legal advice;

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

10 m. Other matters as promulgated by the Commission by Rule.

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

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

22 G. Financing of the Commission

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

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

29 3. The Commission may levy on and collect an annual assessment from
30 each Member State or impose fees on other parties to cover the cost of the
31 operations and activities of the Commission and its staff, which must be in a
32 total amount sufficient to cover its annual budget as approved each year for
33 which revenue is not provided by other sources. The aggregate annual
34 assessment amount shall be allocated based upon a formula to be determined by
35 the Commission, which shall promulgate a Rule binding upon all Member States.

36 4. The Commission shall not incur obligations of any kind prior to

1 securing the funds adequate to meet the same; nor shall the Commission pledge
2 the credit of any Member States, except by and with the authority of the
3 Member State.

4 5. The Commission shall keep accurate accounts of all receipts and
5 disbursements. The receipts and disbursements of the Commission shall be
6 subject to the financial review and accounting procedures established under
7 its bylaws. All receipts and disbursements of funds handled by the Commission
8 shall be subject to an annual financial review by a certified or licensed
9 public accountant, and the report of the financial review shall be included
10 in and become part of the annual report of the Commission.

11 H. Qualified Immunity, Defense, and Indemnification

12 1. The members, officers, executive director, employees and
13 representatives of the Commission shall be immune from suit and liability,
14 both personally and in their official capacity, for any claim for damage to
15 or loss of property or personal injury or other civil liability caused by or
16 arising out of any actual or alleged act, error, or omission that occurred,
17 or that the person against whom the claim is made had a reasonable basis for
18 believing occurred within the scope of Commission employment, duties or
19 responsibilities; provided that nothing in this paragraph shall be construed
20 to protect any such person from suit or liability for any damage, loss,
21 injury, or liability caused by the intentional or willful or wanton
22 misconduct of that person. The procurement of insurance of any type by the
23 Commission shall not in any way compromise or limit the immunity granted
24 hereunder.

25 2. The Commission shall defend any member, officer, executive
26 director, employee, and representative of the Commission in any civil action
27 seeking to impose liability arising out of any actual or alleged act, error,
28 or omission that occurred within the scope of Commission employment, duties,
29 or responsibilities, or as determined by the Commission that the person
30 against whom the claim is made had a reasonable basis for believing occurred
31 within the scope of Commission employment, duties, or responsibilities;
32 provided that nothing herein shall be construed to prohibit that person from
33 retaining their own counsel at their own expense; and provided further, that
34 the actual or alleged act, error, or omission did not result from that
35 person's intentional or willful or wanton misconduct.

36 3. The Commission shall indemnify and hold harmless any member,

officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

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

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

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

ARTICLE 9- DATA SYSTEM

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

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

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

1. Identifying information;

2. Licensure data;

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

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

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

1 6. The existence of Investigative Information;

2 7. The existence presence of Current Significant Investigative
3 Information; and

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

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

13 E. The existence of Current Significant Investigative Information and the
14 existence of Investigative Information pertaining to a Licensee in any Member
15 State will only be available to other Member States.

16 F. It is the responsibility of the Member States to report any Adverse
17 Action against a Licensee who holds a Multistate License and to monitor the
18 database to determine whether Adverse Action has been taken against such a
19 Licensee or License applicant. Adverse Action information pertaining to a
20 Licensee or License applicant in any Member State will be available to any
21 other Member State.

22 G. Member States contributing information to the Data System may designate
23 information that may not be shared with the public without the express
24 permission of the contributing State.

25 H. Any information submitted to the Data System that is subsequently
26 expunged pursuant to federal law or the laws of the Member State contributing
27 the information shall be removed from the Data System.

28
29 ARTICLE 10- RULEMAKING

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

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

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

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

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

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

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

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

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

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

28 H. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 4. Protect public health and safety.

33 M. The Commission or an authorized committee of the Commission may direct
34 revisions to a previously adopted Rule for purposes of correcting
35 typographical errors, errors in format, errors in consistency, or grammatical
36 errors. Public notice of any revisions shall be posted on the website of the

Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

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

ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

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

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

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

B. Default, Technical Assistance, and Termination

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

2. The Commission shall provide a copy of the notice of default to the

1 other Member States.

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

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

14 E. A State that has been terminated is responsible for all assessments,
15 obligations, and liabilities incurred through the effective date of
16 termination, including obligations that extend beyond the effective date of
17 termination.

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

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

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

32 I. Dispute Resolution

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

36 2. The Commission shall promulgate a Rule providing for both mediation

1 and binding dispute resolution for disputes as appropriate.

2 J. Enforcement

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

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

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

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

25
26 ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

36 b. If any Member State is later found to be in default, or is

1 terminated or withdraws from the Compact, the Commission shall remain in
2 existence and the Compact shall remain in effect even if the number of Member
3 States should be less than seven (7).

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

8 3. All actions taken for the benefit of the Commission or in
9 furtherance of the purposes of the administration of the Compact prior to the
10 effective date of the Compact or the Commission coming into existence shall
11 be considered to be actions of the Commission unless specifically repudiated
12 by the Commission.

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

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

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

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

26 3. Upon the enactment of a statute withdrawing from this Compact, a
27 State shall immediately provide notice of such withdrawal to all Licensees
28 within that State. Notwithstanding any subsequent statutory enactment to the
29 contrary, such withdrawing State shall continue to recognize all licenses
30 granted pursuant to this Compact for a minimum of 180 days after the date of
31 such notice of withdrawal.

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

36 D. This Compact may be amended by the Member States. No amendment to this

1 Compact shall become effective and binding upon any Member State until it is
2 enacted into the laws of all Member States.

3
4 ARTICLE 13. CONSTRUCTION AND SEVERABILITY

5 A. This Compact and the Commission's rulemaking authority shall be liberally
6 construed so as to effectuate the purposes, and the implementation and
7 administration of the Compact. Provisions of the Compact expressly
8 authorizing or requiring the promulgation of Rules shall not be construed to
9 limit the Commission's rulemaking authority solely for those purposes.

10 B. The provisions of this Compact shall be severable and if any phrase,
11 clause, sentence or provision of this Compact is held by a court of competent
12 jurisdiction to be contrary to the constitution of any Member State, a State
13 seeking participation in the Compact, or of the United States, or the
14 applicability thereof to any government, agency, person or circumstance is
15 held to be unconstitutional by a court of competent jurisdiction, the
16 validity of the remainder of this Compact and the applicability thereof to
17 any other government, agency, person or circumstance shall not be affected
18 thereby.

19 C. Notwithstanding subsection B of this article, the Commission may deny a
20 State's participation in the Compact or, in accordance with the requirements
21 of Article 11.B, terminate a Member State's participation in the Compact, if
22 it determines that a constitutional requirement of a Member State is a
23 material departure from the Compact. Otherwise, if this Compact shall be held
24 to be contrary to the constitution of any Member State, the Compact shall
25 remain in full force and effect as to the remaining Member States and in full
26 force and effect as to the Member State affected as to all severable matters.

27
28 ARTICLE 14. CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

29
30 Nothing herein shall prevent or inhibit the enforcement of any other law of a
31 Member State that is not inconsistent with the Compact.

32
33 Any laws, statutes, regulations, or other legal requirements in a Member
34 State in conflict with the Compact are superseded to the extent of the
35 conflict.

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

3
4 17-86-402. Administration of compact – Rules.

5 (a) The Department of Health is the Interstate Massage Compact
6 administrator for this state.

7 (b) The department may adopt rules that are consistent with the
8 Interstate Massage Compact necessary to implement this subchapter.

9 (c) The department is not required to adopt the rules of the
10 Interstate Massage Compact Commission for the rules of the Interstate Massage
11 Compact Commission to be effective in this state.

12 (d) For the purposes of the member state's ability to reject a rule
13 under Article 10(D) of the Interstate Massage Compact, Arkansas delegates its
14 authority in this provision to the General Assembly or the Legislative
15 Council.

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17 /s/Nazarenko
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