

SECOND REGULAR SESSION

# HOUSE BILL NO. 3458

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLEMAN.

7027H.021

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To amend chapter 324, RSMo, by adding thereto fourteen new sections relating to the interstate massage compact.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 324, RSMo, is amended by adding thereto fourteen new sections, 2 to be known as sections 324.276, 324.279, 324.282, 324.285, 324.288, 324.291, 324.294, 3 324.297, 324.300, 324.303, 324.306, 324.309, 324.312, and 324.315, to read as follows:

324.276. 1. Sections 324.276 to 324.315 shall be known and may be cited as the 2 "Interstate Massage Compact".

3 2. The purpose of this Compact is to reduce the burdens on State governments 4 and to facilitate the interstate practice and regulation of Massage Therapy with the goal 5 of improving public access to, and the safety of, Massage Therapy Services. Through 6 this Compact, the Member States seek to establish a regulatory framework which 7 provides for a new multistate licensing program. Through this additional licensing 8 pathway, the Member States seek to provide increased value and mobility to licensed 9 massage therapists in the Member States, while ensuring the provision of safe, 10 competent, and reliable services to the public.

11 3. This Compact is designed to achieve the following objectives, and the Member 12 States hereby ratify the same intentions by subscribing hereto:

13 (1) Increase public access to Massage Therapy Services by providing for a 14 multistate licensing pathway;

15 (2) Enhance the Member States' ability to protect the public's health and safety;

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 16           **(3) Enhance the Member States' ability to prevent human trafficking and**  
17 **licensure fraud;**
- 18           **(4) Encourage the cooperation of Member States in regulating the multistate**  
19 **Practice of Massage Therapy;**
- 20           **(5) Support relocating military members and their spouses;**
- 21           **(6) Facilitate and enhance the exchange of licensure, investigative, and**  
22 **disciplinary information between the Member States;**
- 23           **(7) Create an Interstate Commission that will exist to implement and administer**  
24 **the Compact;**
- 25           **(8) Allow a Member State to hold a Licensee accountable, even where that**  
26 **Licensee holds a Multistate License;**
- 27           **(9) Create a streamlined pathway for Licensees to practice in Member States,**  
28 **thus increasing the mobility of duly licensed massage therapists; and**
- 29           **(10) Serve the needs of licensed massage therapists and the public receiving their**  
30 **services; however,**
- 31           **(11) Nothing in this Compact is intended to prevent a State from enforcing its**  
32 **own laws regarding the Practice of Massage Therapy.**

**324.279. As used in this Compact, except as otherwise provided and subject to**  
2 **clarification by the Rules of the Commission, the following definitions shall govern the**  
3 **terms herein:**

- 4           **(1) "Active Military Member" - any person with full-time duty status in the**  
5 **armed forces of the United States, including members of the National Guard and**  
6 **Reserve.**
- 7           **(2) "Adverse Action" - any administrative, civil, equitable, or criminal action**  
8 **permitted by a Member State's laws which is imposed by a Licensing Authority or other**  
9 **regulatory body against a Licensee, including actions against an individual's**  
10 **Authorization to Practice such as revocation, suspension, probation, surrender in lieu**  
11 **of discipline, monitoring of the Licensee, limitation of the Licensee's practice, or any**  
12 **other Encumbrance on licensure affecting an individual's ability to practice Massage**  
13 **Therapy, including the issuance of a cease and desist order.**
- 14           **(3) "Alternative Program" - a non-disciplinary monitoring or prosecutorial**  
15 **diversion program approved by a Member State's Licensing Authority.**
- 16           **(4) "Authorization to Practice" - a legal authorization by a Remote State**  
17 **pursuant to a Multistate License permitting the Practice of Massage Therapy in that**  
18 **Remote State, which shall be subject to the enforcement jurisdiction of the Licensing**  
19 **Authority in that Remote State.**

20           **(5) "Background Check"** - the submission of an applicant's criminal history  
21 record information, as further defined in 28 C.F.R. § 20.3(d), as amended from the  
22 Federal Bureau of Investigation and the agency responsible for retaining State criminal  
23 records in the applicant's Home State.

24           **(6) "Charter Member States"** - Member States who have enacted legislation to  
25 adopt this Compact where such legislation predates the effective date of this Compact as  
26 defined in section 324.309.

27           **(7) "Commission"** - the government agency whose membership consists of all  
28 States that have enacted this Compact, which is known as the Interstate Massage  
29 Compact Commission, as defined in section 324.297, and which shall operate as an  
30 instrumentality of the Member States.

31           **(8) "Continuing Competence"** - a requirement, as a condition of license renewal,  
32 to provide evidence of participation in, and completion of, educational or professional  
33 activities that maintain, improve, or enhance Massage Therapy fitness to practice.

34           **(9) "Current Significant Investigative Information"** - Investigative Information  
35 that a Licensing Authority, after an inquiry or investigation that complies with a  
36 Member State's due process requirements, has reason to believe is not groundless and, if  
37 proved true, would indicate a violation of that State's laws regarding the Practice of  
38 Massage Therapy.

39           **(10) "Data System"** - a repository of information about Licensees who hold  
40 Multistate Licenses, which may include but is not limited to license status, Investigative  
41 Information, and Adverse Actions.

42           **(11) "Disqualifying Event"** - any event which shall disqualify an individual from  
43 holding a Multistate License under this Compact, which the Commission may by Rule  
44 specify.

45           **(12) "Encumbrance"** - a revocation or suspension of, or any limitation or  
46 condition on, the full and unrestricted Practice of Massage Therapy by a Licensing  
47 Authority.

48           **(13) "Executive Committee"** - a group of delegates elected or appointed to act on  
49 behalf of, and within the powers granted to them by, the Commission.

50           **(14) "Home State"** - means the Member State which is a Licensee's primary  
51 state of residence where the Licensee holds an active Single-State License.

52           **(15) "Investigative Information"** - information, records, or documents received  
53 or generated by a Licensing Authority pursuant to an investigation or other inquiry.

54           **(16) "Licensing Authority"** - a State's regulatory body responsible for issuing  
55 Massage Therapy licenses or otherwise overseeing the Practice of Massage Therapy in  
56 that State.

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

60 (18) "Massage Therapy", "Massage Therapy Services", and the "Practice of  
61 Massage Therapy" - the care and services provided by a Licensee as set forth in the  
62 Member State's statutes and regulations in the State where the services are being  
63 provided.

64 (19) "Member State" - any State that has adopted this Compact.

65 (20) "Multistate License" - a license that consists of Authorizations to Practice  
66 Massage Therapy in all Remote States pursuant to this Compact, which shall be subject  
67 to the enforcement jurisdiction of the Licensing Authority in a Licensee's Home State.

68 (21) "Remote State" - any Member State, other than the Licensee's Home State.

69 (22) "Rule" - any opinion or regulation promulgated by the Commission under  
70 this Compact, which shall have the force of law.

71 (23) "Single-State License" - a current, valid authorization issued by a Member  
72 State's Licensing Authority allowing an individual to fully practice Massage Therapy,  
73 that is not a restricted, student, provisional, temporary, or inactive practice  
74 authorization and authorizes practice only within the issuing State.

75 (24) "State" - a state, territory, possession of the United States, or the District of  
76 Columbia.

324.282. 1. To be eligible to join this Compact, and to maintain eligibility as a  
2 Member State, a State must:

3 (1) License and regulate the Practice of Massage Therapy;

4 (2) Have a mechanism or entity in place to receive and investigate complaints  
5 from the public, regulatory or law enforcement agencies, or the Commission about  
6 Licensees practicing in that State;

7 (3) Accept passage of a psychometrically valid national examination as a  
8 criterion for Massage Therapy licensure in that State; For purposes of this compact,  
9 such examination shall not include a State-administered examination but shall be  
10 inclusive of the following:

11 (a) The Massage and Bodywork Licensure Examination; or

12 (b) The National Certification Board for Therapeutic Massage & Bodywork  
13 prior to January 1, 2015; or

14 (c) The substantial equivalent of the foregoing which the Commission may  
15 approve by Rule;

16 (4) Require that Licensees satisfy educational requirements prior to being  
17 licensed to provide Massage Therapy Services to the public in that State;

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

25           **(6) Have Continuing Competence requirements as a condition for license**  
26 **renewal;**

27           **(7) Participate in the Data System, including through the use of unique**  
28 **identifying numbers as described herein;**

29           **(8) Notify the Commission and other Member States, in compliance with the**  
30 **terms of the Compact and Rules of the Commission, of any disciplinary action taken by**  
31 **the State against a Licensee practicing under a Multistate License in that State, or of the**  
32 **existence of Investigative Information or Current Significant Investigative Information**  
33 **regarding a Licensee practicing in that State pursuant to a Multistate License;**

34           **(9) Comply with the Rules of the Commission;**

35           **(10) Accept Licensees with valid Multistate Licenses from other Member States**  
36 **as established herein;**

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

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

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

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

3           **(1) Hold an active Single-State License to practice Massage Therapy in the**  
4 **applicant's Home State;**

5           **(2) Satisfy one of the following:**

6           **(a) Completion of at least six hundred and twenty-five (625) clock hours of**  
7 **Massage Therapy education; or**

8           **(b) Graduation from an educational program that meets the minimum**  
9 **qualifications for licensure in the home state and two (2) years of continuous**

10 licensure with a Single-State License in good standing in the Home State (except as  
11 provided in section 324.294); or

12 (c) Satisfaction of the substantial equivalent of the foregoing which the  
13 Commission may approve by Rule;

14 (3) Successfully pass a psychometrically valid national examination for  
15 licensure. For purposes of this compact, such examination shall not include a State-  
16 administered examination but shall be inclusive of the following:

17 (a) The Massage and Bodywork Licensure Examination; or

18 (b) A National Certification Board for Therapeutic Massage & Bodywork  
19 licensure examination prior to January 1, 2015; or

20 (c) The substantial equivalent of the foregoing which the Commission may  
21 approve by Rule;

22 (4) Submit to a Background Check;

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

28 (6) Have not been convicted or found guilty, or have entered into an agreed  
29 disposition, of a misdemeanor offense related to the Practice of Massage Therapy under  
30 applicable State or federal criminal law, within two (2) years prior to the date of their  
31 application where such a time period shall not include any time served for the offense,  
32 and provided that the applicant has completed any and all requirements arising as a  
33 result of any such offense;

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

37 (a) Kidnapping;

38 (b) Human trafficking;

39 (c) Human smuggling;

40 (d) Sexual battery, sexual assault, or any related offenses; or

41 (e) Any other category of offense which the Commission may by Rule designate;

42 (8) Have not previously held a Massage Therapy license which was revoked by,  
43 or surrendered in lieu of discipline to an applicable Licensing Authority;

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

46 (10) Pay all required fees.

47           **2. A Multistate License granted pursuant to this Compact may be effective for a**  
48 **definite period of time concurrent with the renewal of the Home State license.**

49           **3. A Licensee practicing in a Member State is subject to all scope of practice laws**  
50 **governing Massage Therapy Services in that State.**

51           **4. The Practice of Massage Therapy under a Multistate License granted**  
52 **pursuant to this Compact will subject the Licensee to the jurisdiction of the Licensing**  
53 **Authority, the courts, and the laws of the Member State in which the Massage Therapy**  
54 **Services are provided.**

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

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

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

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

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

**324.291. 1. A Licensee's Home State shall have exclusive power to impose an**  
2 **Adverse Action against a Licensee's Multistate License issued by the Home State.**

3           **2. A Home State may take Adverse Action on a Multistate License based on the**  
4 **Investigative Information, Current Significant Investigative Information, or Adverse**  
5 **Action of a Remote State.**

6           **3. A Home State shall retain authority to complete any pending investigations of**  
7 **a Licensee practicing under a Multistate License who changes their Home State during**  
8 **the course of such an investigation. The Licensing Authority shall also be empowered to**  
9 **report the results of such an investigation to the Commission through the Data System**  
10 **as described herein.**

11           **4. Any Member State may investigate actual or alleged violations of the scope of**  
12 **practice laws in any other Member State for a massage therapist who holds a Multistate**  
13 **License.**

14           **5. A Remote State shall have the authority to:**

15           **(1) Take Adverse Actions against a Licensee's Authorization to Practice;**

16           **(2) Issue cease and desist orders or impose an Encumbrance on a Licensee's**  
17 **Authorization to Practice in that State;**

18           **(3) Issue subpoenas for both hearings and investigations that require the**  
19 **attendance and testimony of witnesses, as well as the production of evidence. Subpoenas**  
20 **issued by a Licensing Authority in a Member State for the attendance and testimony of**  
21 **witnesses or the production of evidence from another Member State shall be enforced in**  
22 **the latter State by any court of competent jurisdiction, according to the practice and**  
23 **procedure of that court applicable to subpoenas issued in proceedings before it. The**  
24 **issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and**  
25 **other fees required by the service statutes of the State in which the witnesses or evidence**  
26 **are located;**

27           **(4) If otherwise permitted by State law, recover from the affected Licensee the**  
28 **costs of investigations and disposition of cases resulting from any Adverse Action taken**  
29 **against that Licensee;**

30           **(5) Take Adverse Action against the Licensee's Authorization to Practice in that**  
31 **State based on the factual findings of another Member State.**

32           **6. If an Adverse Action is taken by the Home State against a Licensee's**  
33 **Multistate License or Single-State License to practice in the Home State, the Licensee's**  
34 **Authorization to Practice in all other Member States shall be deactivated until all**  
35 **Encumbrances have been removed from such license. All Home State disciplinary**  
36 **orders that impose an Adverse Action against a Licensee shall include a statement that**  
37 **the Massage Therapist's Authorization to Practice is deactivated in all Member States**  
38 **during the pendency of the order.**

39           **7. If Adverse Action is taken by a Remote State against a Licensee's**  
40 **Authorization to Practice, that Adverse Action applies to all Authorizations to**  
41 **Practice in all Remote States. A Licensee whose Authorization to Practice in a**  
42 **Remote State is removed for a specified period of time is not eligible to apply for a new**  
43 **Multistate License in any other State until the specific time for removal of the**  
44 **Authorization to Practice has passed and all encumbrance requirements are satisfied.**

45           **8. Nothing in this Compact shall override a Member State's authority to accept a**  
46 **Licensee's participation in an Alternative Program in lieu of Adverse Action. A**

47 Licensee's Multistate License shall be suspended for the duration of the Licensee's  
48 participation in any Alternative Program.

49 9. (1) In addition to the authority granted to a Member State by its respective  
50 scope of practice laws or other applicable State law, a Member State may participate  
51 with other Member States in joint investigations of Licensees.

52 (2) Member States shall share any investigative, litigation, or compliance  
53 materials in furtherance of any joint or individual investigation initiated under the  
54 Compact.

324.294. Active Military Members, or their spouses, shall designate a Home  
2 State where the individual has a current license to practice Massage Therapy in good  
3 standing. The individual may retain their Home State designation during any period of  
4 service when that individual or their spouse is on active-duty assignment. Further,  
5 Active Military Members or their spouses shall satisfy the requirements of subdivision  
6 (2) of subsection 1 of section 324.285 by successful graduation from an educational  
7 program that meets the minimum qualifications for licensure in the designated Home  
8 State.

324.297. 1. The Compact Member States hereby create and establish a joint  
2 government agency whose membership consists of all Member States that have enacted  
3 the Compact known as the Interstate Massage Compact Commission. The Commission  
4 is an instrumentality of the Compact States acting jointly and not an instrumentality of  
5 any one State. The Commission shall come into existence on or after the effective date of  
6 the Compact as set forth in section 324.309.

7 2. (1) Each Member State shall have and be limited to one (1) delegate selected  
8 by that Member State's State Licensing Authority.

9 (2) The delegate shall be either:

10 (a) A member of the State Licensing Authority; or

11 (b) The primary administrative officer of the State Licensing Authority or their  
12 designee.

13 (3) The Commission shall by Rule or bylaw establish a term of office for  
14 delegates and may by Rule or bylaw establish term limits.

15 (4) The Commission may recommend removal or suspension of any delegate  
16 from office.

17 (5) A Member State's State Licensing Authority shall fill any vacancy of its  
18 delegate occurring on the Commission within 60 days of the vacancy.

19 (6) Each delegate shall be entitled to one vote on all matters that are voted on by  
20 the Commission.

21           **(7) The Commission shall meet at least once during each calendar year.**  
22 **Additional meetings may be held as set forth in the bylaws. The Commission may meet**  
23 **by telecommunication, video conference or other similar electronic means.**

24           **3. The Commission shall have the following powers:**

25           **(1) Establish the fiscal year of the Commission;**

26           **(2) Establish code of conduct and conflict of interest policies;**

27           **(3) Adopt Rules and bylaws;**

28           **(4) Maintain its financial records in accordance with the bylaws;**

29           **(5) Meet and take such actions as are consistent with the provisions of this**  
30 **Compact, the Commission's Rules, and the bylaws;**

31           **(6) Initiate and conclude legal proceedings or actions in the name of the**  
32 **Commission, provided that the standing of any State Licensing Authority to sue or be**  
33 **sued under applicable law shall not be affected;**

34           **(7) Maintain and certify records and information provided to a Member State as**  
35 **the authenticated business records of the Commission, and designate an agent to do so**  
36 **on the Commission's behalf;**

37           **(8) Purchase and maintain insurance and bonds;**

38           **(9) Borrow, accept, or contract for services of personnel, including, but not**  
39 **limited to, employees of a Member State;**

40           **(10) Conduct an annual financial review;**

41           **(11) Hire employees, elect or appoint officers, fix compensation, define duties,**  
42 **grant such individuals appropriate authority to carry out the purposes of the Compact,**  
43 **and establish the Commission's personnel policies and programs relating to conflicts of**  
44 **interest, qualifications of personnel, and other related personnel matters;**

45           **(12) Assess and collect fees;**

46           **(13) Accept any and all appropriate gifts, donations, grants of money, other**  
47 **sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and**  
48 **dispose of the same; provided that at all times the Commission shall avoid any**  
49 **appearance of impropriety or conflict of interest;**

50           **(14) Lease, purchase, retain, own, hold, improve, or use any property, real,**  
51 **personal, or mixed, or any undivided interest therein;**

52           **(15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**  
53 **dispose of any property real, personal, or mixed;**

54           **(16) Establish a budget and make expenditures;**

55           **(17) Borrow money;**

56           **(18) Appoint committees, including standing committees, composed of members,**  
57 **State regulators, State legislators or their representatives, and consumer**

58 representatives, and such other interested persons as may be designated in this Compact  
59 and the bylaws;

60 (19) The Commission may elect up to two ex-officio, nonvoting members of the  
61 Commission as specified in the Commission's bylaws;

62 (20) Accept and transmit complaints from the public, regulatory or law  
63 enforcement agencies, or the Commission, to the relevant Member State or States  
64 regarding potential misconduct of Licensees;

65 (21) Elect a Chair, Vice Chair, Secretary and Treasurer and such other officers  
66 of the Commission as provided in the Commission's bylaws;

67 (22) Establish and elect an Executive Committee, including a chair and a vice  
68 chair;

69 (23) Adopt and provide to the Member States an annual report;

70 (24) Determine whether a State's adopted language is materially different from  
71 the model Compact language such that the State would not qualify for participation in  
72 the Compact; and

73 (25) Perform such other functions as may be necessary or appropriate to achieve  
74 the purposes of this Compact.

75 4. (1) The Executive Committee shall have the power to act on behalf of the  
76 Commission according to the terms of this Compact. The powers, duties, and  
77 responsibilities of the Executive Committee shall include:

78 (a) Overseeing the day-to-day activities of the administration of the Compact  
79 including compliance with the provisions of the Compact, the Commission's Rules and  
80 bylaws, and other such duties as deemed necessary;

81 (b) Recommending to the Commission changes to the Rules or bylaws, changes  
82 to this Compact legislation, fees charged to Compact Member States, fees charged to  
83 Licensees, and other fees;

84 (c) Ensuring Compact administration services are appropriately provided,  
85 including by contract;

86 (d) Preparing and recommending the budget;

87 (e) Maintaining financial records on behalf of the Commission;

88 (f) Monitoring Compact compliance of Member States and providing  
89 compliance reports to the Commission;

90 (g) Establishing additional committees as necessary;

91 (h) Exercise the powers and duties of the Commission during the interim  
92 between Commission meetings, except for adopting or amending Rules, adopting or  
93 amending bylaws, and exercising any other powers and duties expressly reserved to the  
94 Commission by Rule or bylaw; and

95 (i) Other duties as provided in the Rules or bylaws of the Commission.

96 (2) The Executive Committee shall be composed of seven voting members as  
97 follows:

98 (a) The chair and vice chair of the Commission and any other members of the  
99 Commission who serve on the Executive Committee shall be voting members of the  
100 Executive Committee; and

101 (b) Other than the chair, vice-chair, secretary and treasurer, the Commission  
102 shall elect three voting members from the current membership of the Commission.

103 (3) The Commission may remove any member of the Executive Committee as  
104 provided in the Commission's bylaws.

105 (4) (a) The Executive Committee shall meet at least annually.

106 (b) Executive Committee meetings shall be open to the public, except that the  
107 Executive Committee may meet in a closed, non-public session of a public meeting when  
108 dealing with any of the matters covered under subdivision (4) of subsection 6 of this  
109 section.

110 (c) The Executive Committee shall give five business days advance notice of its  
111 public meetings, posted on its website and as determined to provide notice to persons  
112 with an interest in the public matters the Executive Committee intends to address at  
113 those meetings.

114 (5) The Executive Committee may hold an emergency meeting when acting for  
115 the Commission to:

116 (a) Meet an imminent threat to public health, safety, or welfare;

117 (b) Prevent a loss of Commission or Participating State funds; or

118 (c) Protect public health and safety.

119 5. The Commission shall adopt and provide to the Member States an annual  
120 report.

121 6. (1) All meetings of the Commission that are not closed pursuant to this  
122 subsection shall be open to the public. Notice of public meetings shall be posted on the  
123 Commission's website at least thirty (30) days prior to the public meeting.

124 (2) Notwithstanding subdivision (1) of this subsection, the Commission may  
125 convene an emergency public meeting by providing at least twenty-four (24) hours prior  
126 notice on the Commission's website, and any other means as provided in the  
127 Commission's Rules, for any of the reasons it may dispense with notice of proposed  
128 rulemaking under subsection 12 of section 324.303. The Commission's legal counsel  
129 shall certify that one of the reasons justifying an emergency public meeting has been  
130 met.

131           **(3) Notice of all Commission meetings shall provide the time, date, and location**  
132 **of the meeting, and if the meeting is to be held or accessible via telecommunication,**  
133 **video conference, or other electronic means, the notice shall include the mechanism for**  
134 **access to the meeting.**

135           **(4) The Commission may convene in a closed, non-public meeting for the**  
136 **Commission to discuss:**

137           **(a) Non-compliance of a Member State with its obligations under the Compact;**

138           **(b) The employment, compensation, discipline or other matters, practices or**  
139 **procedures related to specific employees or other matters related to the Commission's**  
140 **internal personnel practices and procedures;**

141           **(c) Current or threatened discipline of a Licensee by the Commission or by a**  
142 **Member State's Licensing Authority;**

143           **(d) Current, threatened, or reasonably anticipated litigation;**

144           **(e) Negotiation of contracts for the purchase, lease, or sale of goods, services, or**  
145 **real estate;**

146           **(f) Accusing any person of a crime or formally censuring any person;**

147           **(g) Trade secrets or commercial or financial information that is privileged or**  
148 **confidential;**

149           **(h) Information of a personal nature where disclosure would constitute a clearly**  
150 **unwarranted invasion of personal privacy;**

151           **(i) Investigative records compiled for law enforcement purposes;**

152           **(j) Information related to any investigative reports prepared by or on behalf of**  
153 **or for use of the Commission or other committee charged with responsibility of**  
154 **investigation or determination of compliance issues pursuant to the Compact;**

155           **(k) Legal advice;**

156           **(l) Matters specifically exempted from disclosure to the public by federal or**  
157 **Member State law; or**

158           **(m) Other matters as promulgated by the Commission by Rule.**

159           **(5) If a meeting, or portion of a meeting, is closed, the presiding officer shall state**  
160 **that the meeting will be closed and reference each relevant exempting provision, and**  
161 **such reference shall be recorded in the minutes.**

162           **(6) The Commission shall keep minutes that fully and clearly describe all**  
163 **matters discussed in a meeting and shall provide a full and accurate summary of actions**  
164 **taken, and the reasons therefor, including a description of the views expressed. All**  
165 **documents considered in connection with an action shall be identified in such minutes.**  
166 **All minutes and documents of a closed meeting shall remain under seal, subject to**

167 release only by a majority vote of the Commission or order of a court of competent  
168 jurisdiction.

169       7. (1) The Commission shall pay, or provide for the payment of, the reasonable  
170 expenses of its establishment, organization, and ongoing activities.

171       (2) The Commission may accept any and all appropriate sources of revenue,  
172 donations, and grants of money, equipment, supplies, materials, and services.

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

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

183       (5) The Commission shall keep accurate accounts of all receipts and  
184 disbursements. The receipts and disbursements of the Commission shall be subject  
185 to the financial review and accounting procedures established under its bylaws. All  
186 receipts and disbursements of funds handled by the Commission shall be subject to an  
187 annual financial review by a certified or licensed public accountant, and the report of  
188 the financial review shall be included in and become part of the annual report of the  
189 Commission.

190       8. (1) The members, officers, executive director, employees and representatives  
191 of the Commission shall be immune from suit and liability, both personally and in their  
192 official capacity, for any claim for damage to or loss of property or personal injury or  
193 other civil liability caused by or arising out of any actual or alleged act, error, or  
194 omission that occurred, or that the person against whom the claim is made had a  
195 reasonable basis for believing occurred within the scope of Commission employment,  
196 duties or responsibilities; provided that nothing in this subdivision shall be construed to  
197 protect any such person from suit or liability for any damage, loss, injury, or liability  
198 caused by the intentional or willful or wanton misconduct of that person. The  
199 procurement of insurance of any type by the Commission shall not in any way  
200 compromise or limit the immunity granted hereunder.

201       (2) The Commission shall defend any member, officer, executive director,  
202 employee, and representative of the Commission in any civil action seeking to impose  
203 liability arising out of any actual or alleged act, error, or omission that occurred within

204 the scope of Commission employment, duties, or responsibilities, or as determined by  
205 the Commission that the person against whom the claim is made had a reasonable basis  
206 for believing occurred within the scope of Commission employment, duties, or  
207 responsibilities; provided that nothing herein shall be construed to prohibit that  
208 person from retaining their own counsel at their own expense; and provided further,  
209 that the actual or alleged act, error, or omission did not result from that person's  
210 intentional or willful or wanton misconduct.

211 (3) The Commission shall indemnify and hold harmless any member, officer,  
212 executive director, employee, and representative of the Commission for the amount of  
213 any settlement or judgment obtained against that person arising out of any actual or  
214 alleged act, error, or omission that occurred within the scope of Commission  
215 employment, duties, or responsibilities, or that such person had a reasonable basis  
216 for believing occurred within the scope of Commission employment, duties, or  
217 responsibilities, provided that the actual or alleged act, error, or omission did not  
218 result from the intentional or willful or wanton misconduct of that person.

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

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

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

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

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

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

8 (1) Identifying information;

9 (2) Licensure data;

10 (3) Adverse Actions against a license and information related thereto;

11 (4) Non-confidential information related to Alternative Program participation,  
12 the beginning and ending dates of such participation, and other information related to  
13 such participation;

14           **(5) Any denial of application for licensure, and the reason or reasons for such**  
15 **denial (excluding the reporting of any criminal history record information where**  
16 **prohibited by law);**

17           **(6) The existence of Investigative Information;**

18           **(7) The existence or presence of Current Significant Investigative Information;**

19 **and**

20           **(8) Other information that may facilitate the administration of this Compact or**  
21 **the protection of the public, as determined by the Rules of the Commission.**

22           **4. The records and information provided to a Member State pursuant to this**  
23 **Compact or through the Data System, when certified by the Commission or an agent**  
24 **thereof, shall constitute the authenticated business records of the Commission, and shall**  
25 **be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or**  
26 **administrative proceedings in a Member State.**

27           **5. The existence of Current Significant Investigative Information and the**  
28 **existence of Investigative Information pertaining to a Licensee in any Member State will**  
29 **only be available to other Member States.**

30           **6. It is the responsibility of the Member States to report any Adverse Action**  
31 **against a Licensee who holds a Multistate License and to monitor the database to**  
32 **determine whether Adverse Action has been taken against such a Licensee or License**  
33 **applicant. Adverse Action information pertaining to a Licensee or License applicant in**  
34 **any Member State will be available to any other Member State.**

35           **7. Member States contributing information to the Data System may designate**  
36 **information that may not be shared with the public without the express permission of**  
37 **the contributing State.**

38           **8. Any information submitted to the Data System that is subsequently expunged**  
39 **pursuant to federal law or the laws of the Member State contributing the information**  
40 **shall be removed from the Data System.**

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

8           **2. The Rules of the Commission shall have the force of law in each Member**  
9 **State, provided however that where the Rules of the Commission conflict with the laws**  
10 **of the Member State that establish the Member State's scope of practice as held by a**

11 court of competent jurisdiction, the Rules of the Commission shall be ineffective in that  
12 State to the extent of the conflict.

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

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

21       **5. Rules shall be adopted at a regular or special meeting of the Commission.**

22       **6. Prior to adoption of a proposed Rule, the Commission shall hold a public**  
23 **hearing and allow persons to provide oral and written comments, data, facts, opinions,**  
24 **and arguments.**

25       **7. Prior to adoption of a proposed Rule by the Commission, and at least thirty**  
26 **(30) days in advance of the meeting at which the Commission will hold a public hearing**  
27 **on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:**

28       **(1) On the website of the Commission or other publicly accessible platform;**

29       **(2) To persons who have requested notice of the Commission's notices of**  
30 **proposed rulemaking; and**

31       **(3) In such other way or ways as the Commission may by Rule specify.**

32       **8. The Notice of Proposed Rulemaking shall include:**

33       **(1) The time, date, and location of the public hearing at which the Commission**  
34 **will hear public comments on the proposed Rule and, if different, the time, date, and**  
35 **location of the meeting where the Commission will consider and vote on the proposed**  
36 **Rule;**

37       **(2) If the hearing is held via telecommunication, video conference, or other**  
38 **electronic means, the Commission shall include the mechanism for access to the hearing**  
39 **in the Notice of Proposed Rulemaking;**

40       **(3) The text of the proposed Rule and the reason therefor;**

41       **(4) A request for comments on the proposed Rule from any interested person;**  
42 **and**

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

44       **9. All hearings will be recorded. A copy of the recording and all written**  
45 **comments and documents received by the Commission in response to the proposed Rule**  
46 **shall be available to the public.**

47           **10. Nothing in this article shall be construed as requiring a separate hearing on**  
48 **each Rule. Rules may be grouped for the convenience of the Commission at hearings**  
49 **required by this article.**

50           **11. (1) The Commission shall, by majority vote of all Commissioners, take final**  
51 **action on the proposed Rule based on the Rulemaking record.**

52           **(2) The Commission may adopt changes to the proposed Rule provided the**  
53 **changes do not enlarge the original purpose of the proposed Rule.**

54           **(3) The Commission shall provide an explanation of the reasons for substantive**  
55 **changes made to the proposed Rule as well as reasons for substantive changes not made**  
56 **that were recommended by commenters.**

57           **(4) The Commission shall determine a reasonable effective date for the Rule.**  
58 **Except for an emergency as provided in subsection 12 of this section, the effective date**  
59 **of the Rule shall be no sooner than thirty (30) days after the Commission issuing the**  
60 **notice that it adopted or amended the Rule.**

61           **12. Upon determination that an emergency exists, the Commission may consider**  
62 **and adopt an emergency Rule with 24 hours notice, provided that the usual Rulemaking**  
63 **procedures provided in the Compact and in this article shall be retroactively applied to**  
64 **the Rule as soon as reasonably possible, in no event later than ninety (90) days after the**  
65 **effective date of the Rule. For the purposes of this provision, an emergency Rule is one**  
66 **that must be adopted immediately to:**

67           **(1) Meet an imminent threat to public health, safety, or welfare;**

68           **(2) Prevent a loss of Commission or Member State funds;**

69           **(3) Meet a deadline for the promulgation of a Rule that is established by federal**  
70 **law or rule; or**

71           **(4) Protect public health and safety.**

72           **13. The Commission or an authorized committee of the Commission may direct**  
73 **revisions to a previously adopted Rule for purposes of correcting typographical errors,**  
74 **errors in format, errors in consistency, or grammatical errors. Public notice of any**  
75 **revisions shall be posted on the website of the Commission. The revision shall be subject**  
76 **to challenge by any person for a period of thirty (30) days after posting. The revision**  
77 **may be challenged only on grounds that the revision results in a material change to a**  
78 **Rule. A challenge shall be made in writing and delivered to the Commission prior to the**  
79 **end of the notice period. If no challenge is made, the revision will take effect without**  
80 **further action. If the revision is challenged, the revision may not take effect without the**  
81 **approval of the Commission.**

82           **14. Section 536.037 notwithstanding, no Member State's rulemaking**  
83 **requirements shall apply under this Compact.**

2 **324.306. 1. (1) The executive and judicial branches of State government in each**  
3 **Member State shall enforce this Compact and take all actions necessary and**  
4 **appropriate to implement the Compact.**

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

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

17 **2. (1) If the Commission determines that a Member State has defaulted in the**  
18 **performance of its obligations or responsibilities under this Compact or the**  
19 **promulgated Rules, the Commission shall provide written notice to the defaulting**  
20 **State. The notice of default shall describe the default, the proposed means of curing the**  
21 **default, and any other action that the Commission may take, and shall offer training**  
22 **and specific technical assistance regarding the default.**

23 **(2) The Commission shall provide a copy of the notice of default to the other**  
24 **Member States.**

25 **3. If a State in default fails to cure the default, the defaulting State may be**  
26 **terminated from the Compact upon an affirmative vote of a majority of the delegates of**  
27 **the Member States, and all rights, privileges and benefits conferred on that State by this**  
28 **Compact may be terminated on the effective date of termination. A cure of the default**  
29 **does not relieve the offending State of obligations or liabilities incurred during the**  
30 **period of default.**

31 **4. Termination of membership in the Compact shall be imposed only after all**  
32 **other means of securing compliance have been exhausted. Notice of intent to suspend or**  
33 **terminate shall be given by the Commission to the governor, the majority and minority**  
34 **leaders of the defaulting State's legislature, the defaulting State's State Licensing**  
35 **Authority and each of the Member States' State Licensing Authority.**

36 **5. A State that has been terminated is responsible for all assessments,**  
37 **obligations, and liabilities incurred through the effective date of termination, including**  
38 **obligations that extend beyond the effective date of termination.**

38           **6. Upon the termination of a State's membership from this Compact, that State**  
39 **shall immediately provide notice to all Licensees who hold a Multistate License within**  
40 **that State of such termination. The terminated State shall continue to recognize all**  
41 **licenses granted pursuant to this Compact for a minimum of one hundred eighty (180)**  
42 **days after the date of said notice of termination.**

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

46           **8. The defaulting State may appeal the action of the Commission by petitioning**  
47 **the U.S. District Court for the District of Columbia or the federal district where the**  
48 **Commission has its principal offices. The prevailing party shall be awarded all costs of**  
49 **such litigation, including reasonable attorney's fees.**

50           **9. (1) Upon request by a Member State, the Commission shall attempt to resolve**  
51 **disputes related to the Compact that arise among Member States and between Member**  
52 **and non-Member States.**

53           **(2) The Commission shall promulgate a Rule providing for both mediation and**  
54 **binding dispute resolution for disputes as appropriate.**

55           **10. (1) The Commission, in the reasonable exercise of its discretion, shall enforce**  
56 **the provisions of this Compact and the Commission's Rules.**

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

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

72           **(4) No individual or entity other than a Member State may enforce this Compact**  
73 **against the Commission.**

2 **324.309. 1. (1) The Compact shall come into effect on the date on which the**  
3 **Compact statute is enacted into law in the seventh Member State.**

4 **(2) (a) On or after the effective date of the Compact, the Commission shall**  
5 **convene and review the enactment of each of the Charter Member States to determine if**  
6 **the statute enacted by each such Charter Member State is materially different than the**  
7 **model Compact statute.**

8 **(b) A Charter Member State whose enactment is found to be materially different**  
9 **from the model Compact statute shall be entitled to the default process set forth in**  
10 **section 324.306.**

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

15 **(3) Member States enacting the Compact subsequent to the Charter Member**  
16 **States shall be subject to the process set forth in subdivision (24) of subsection 3 of**  
17 **section 324.297 to determine if their enactments are materially different from the model**  
18 **Compact statute and whether they qualify for participation in the Compact.**

19 **(4) All actions taken for the benefit of the Commission or in furtherance of the**  
20 **purposes of the administration of the Compact prior to the effective date of the Compact**  
21 **or the Commission coming into existence shall be considered to be actions of the**  
22 **Commission unless specifically repudiated by the Commission.**

23 **(5) Any State that joins the Compact shall be subject to the Commission's Rules**  
24 **and bylaws as they exist on the date on which the Compact becomes law in that State.**  
25 **Any Rule that has been previously adopted by the Commission shall have the full force**  
26 **and effect of law on the day the Compact becomes law in that State.**

27 **2. (1) Any Member State may withdraw from this Compact by enacting a**  
28 **statute repealing that State's enactment of the Compact.**

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

31 **(3) Withdrawal shall not affect the continuing requirement of the withdrawing**  
32 **State's Licensing Authority to comply with the investigative and Adverse Action**  
33 **reporting requirements of this Compact prior to the effective date of withdrawal.**

34 **(4) Upon the enactment of a statute withdrawing from this Compact, a State**  
35 **shall immediately provide notice of such withdrawal to all Licensees within that State.**  
36 **Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing**  
37 **State shall continue to recognize all licenses granted pursuant to this Compact for a**  
**minimum of 180 days after the date of such notice of withdrawal.**

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

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

**324.312. 1. This Compact and the Commission's rulemaking authority shall be**  
2 **liberally construed so as to effectuate the purposes, and the implementation and**  
3 **administration of the Compact. Provisions of the Compact expressly authorizing or**  
4 **requiring the promulgation of Rules shall not be construed to limit the Commission's**  
5 **rulemaking authority solely for those purposes.**

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

13           **3. Notwithstanding subsection 2 of this section, the Commission may deny a**  
14 **State's participation in the Compact or, in accordance with the requirements of**  
15 **subsection 2 of section 324.306, terminate a Member State's participation in the**  
16 **Compact, if it determines that a constitutional requirement of a Member State is a**  
17 **material departure from the Compact. Otherwise, if this Compact shall be held to be**  
18 **contrary to the constitution of any Member State, the Compact shall remain in full force**  
19 **and effect as to the remaining Member States and in full force and effect as to the**  
20 **Member State affected as to all severable matters.**

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

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

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

✓