



Interstate Massage Compact

Summary of Key Provisions

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.

This Compact is designed to achieve the following objectives:

- Increase public access to massage therapy services
- Enhance states' abilities to protect the public's health and safety
- Enhance states' abilities to prevent human trafficking and licensure fraud
- Encourage the cooperation of member states in regulating multistate practice for licensed massage therapists
- Support active-duty military personnel and their spouses
- Facilitate the exchange of licensure, investigative and disciplinary information among member states
- Create a Commission made up of all member states that will exist to effectuate the Compact
- Provide for meaningful dispute resolution while allowing remote states to hold Massage Therapists accountable
- Create a streamlined pathway for licensees to practice in member states and increasing the mobility of duly licensed message therapists

Article 2: Definitions

This section establishes the definitions of key terms and concepts as used throughout the compact to alleviate confusion on the part of regulatory jurisdictions and practitioners. Defined terms are capitalized throughout the document. The Interstate Massage Therapy Compact uses the term "Authorization to Practice" instead of "Privilege to Practice" to describe a licensee's permission to work in a remote state to avoid confusion with compacts that use a privilege to practice model.

Article 3: Member State Requirements

This section establishes the foundational requirements for compact member states to be eligible to enact the compact and what is required of compact member states to continue to participate in the compact.

To enact the compact a member state must:

- License and regulate Massage Therapists
- Have a mechanism to receive and investigate complaints about Licensees practicing in that state
- Accept passage of a National Licensing Examination as a criterion for licensure
- Require licensees satisfy educational requirements
- Implement procedures for requiring the background check of applicants for a multistate license
- Have continuing competence requirements
- Participate in the data system
- Comply with the rules of the commission, the governing body of the compact
- Accept Licensees from other member states as established by the compact

Article 4: Multistate License Requirements for Licensee

Multistate License Requirements for Licensee describes the requirements for a massage therapist with an active, unencumbered license to participate in the compact. This section also obligates compact member states to accept multistate licenses from other compact member states as authorizing practice in each member state.

To participate in the compact a licensed massage therapist must:

- Hold an active, unencumbered license in Home State;
- 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
- Have passed a national licensing examination developed and administered by a national association of massage therapy regulatory boards
- Submit to a background check
- 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;
- Have not been convicted or found guilty, or have entered into an agreed disposition, of a misdemeanor offense related to the Practice of Massage Therapy under applicable state or federal criminal law, within two (2) years prior to the date of their application;
- Have not previously held a Massage Therapy license which was revoked by, or surrendered to, an applicable regulatory authority;
- Have no history of any Adverse Action taken by the applicable body responsible for the regulation of the Massage Therapy profession in the applicant's Home State within two (2) years prior to the date of their application;
- Have not been convicted or found guilty, or have entered into an agreed disposition, of any offense, whether a misdemeanor or a felony, under state or federal law, at any time, relating to any of the following:
- Kidnapping;
 - a. Human trafficking;

- b. Human smuggling;
 - c. Sexual battery, sexual assault, or any related offenses; or
 - d. Any other category of offense which the Commission may by Rule designate.
- Pay all required fees.

Article 5: Authority of Interstate Massage Therapy Compact Commission and Member State Licensing Authorities

This article describes the parameters under which the Compact Commission can create rules and specifies the powers retained by each member state to regulate the practice of massage therapy and discipline licensees who are providing services within their borders.

Article 6: Adverse Actions

This section establishes a disciplinary framework between the compact member states. Only a licensee's home state may take adverse action against a multistate license. Remote states may take adverse action against a licensee's authorization to practice in that state and may issue enforceable subpoenas for witnesses and evidence from other member states.

Member states must report any adverse action to the compact data system, which then promptly alerts the other member states of this adverse action. Any member state may take adverse action based on the factual findings of a remote state. Home states may take reported adverse action from any member state into account, in accordance with the home state's own laws. This article also directs the compact member states to work together on joint investigative activities related to licensees using the compact.

Article 7: Active Duty Military and Their Spouses

This section allows an active duty service member, or their spouse, to designate a home state where the individual has a current license in good standing. This state then serves as the individual's home state for as long as the servicemember is on active duty.

Article 8: Establishment and Operation of Interstate Massage Therapy Compact Commission

This section outlines the composition and powers of the compact commission and executive committee.

- Each member state is entitled to exactly one delegate, who shall be the primary administrative officer of the member state's licensing authority or their designee.
- Each delegate has one (1) vote on commission rules and bylaws.

- The commission may establish a term of office, code of ethics, bylaws, rules, a budget and financial records in order to carry out the compact.
- The commission shall elect an executive committee composed of seven voting delegates.
- The commission may elect one ex-officio, nonvoting member who is a representative of the national association of State Massage Therapy regulatory boards.
- The commission may elect one ex-officio, nonvoting member as specified in the Commission's bylaws.
- All commission meetings shall be open to the public unless confidential or privileged information must be discussed.

Article 9: Data System

This section requires the sharing of licensee information by all member states. Member states shall submit a uniform dataset to the data system on all massage therapists to whom this compact is applicable as required by the rules of the commission. This database will allow for the expedited sharing of disciplinary and investigative information.

Investigative information pertaining to a licensee in any member state will only be available to other member states. A member state may designate information submitted to the data system that may not be shared with the public without the express permission of that member state.

Article 10: Rulemaking

This article establishes the rulemaking authority of the commission to carry out the provisions of the compact.

- Rules carry the force of law in all member states.
- A simple majority of member state legislatures may veto a rule of the commission.
- Changes to rules require a 30-day notice of proposed rulemaking, with an opportunity for a public hearing.
- If the commission takes an action that is beyond the scope of the compact, the action is invalid and has no force and effect.

Article 11: Oversight, Dispute Resolution and Enforcement

This article ensures compliance with the compact by member states and details the procedures to be followed in the event a member state fails to comply with the compact.

- A period of technical assistance in remedying the situation.

- Dispute resolution, including mediation and binding processes.
- Termination from the compact if no other means of compliance is successful.
- The commission shall attempt to resolve any compact-related disputes that may arise between states.

Article 12: Effective Date, Withdrawal and Amendment

This article establishes the effective date of the compact and includes provisions for states withdrawing from the compact and the member states collectively amending the compact.

- The compact takes effect on the date of enactment by the seventh state.
- States that join after this date are subject to the rules of the commission as they exist on the date when the compact becomes law in that state.
- Member states may enact a law to repeal their membership in the compact. A state's withdrawal takes effect 180 days after enactment of such law.

Article 13: Construction and Severability

The compact is to be liberally construed to effectuate its purposes.

The compact's provisions are severable, meaning that:

- If a provision is declared to conflict with the United States Constitution, all other provisions remain valid for all member states.
- If a provision is held contrary to a member state's constitution, the compact retains its full force in all other states, and all other provisions remain valid in the affected state.

Article 14: Consistent Effect and Conflict with Other State Laws

Member states retain sovereignty over all laws, and nothing shall inhibit or prohibit enforcement of laws that are not in conflict with the compact. Any laws, statutes, regulations or other legal requirements in a member state that conflict with the compact are superseded to the extent of the conflict.