

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 693
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30305-NN-55

Short Title: Interstate Massage Compact. (Public)

Sponsors: Representative Warren.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH AND ENTER INTO AN INTERSTATE COMPACT FOR THE
3 PRACTICE OF MASSAGE THERAPY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 36A.

8 "Interstate Massage Compact.

9 **"§ 90-637. Short title.**

10 This Article shall be known and may be cited as the "Interstate Massage Compact."

11 **"§ 90-637.1. Purpose.**

12 The purpose of this Compact is to reduce the burdens on state governments and to facilitate
13 the interstate practice and regulation of massage therapy with the goal of improving public access
14 to, and the safety of, massage therapy services. Through this Compact, the member states seek
15 to establish a regulatory framework which provides for a new multistate licensing program.
16 Through this additional licensing pathway, the member states seek to provide increased value
17 and mobility to licensed massage therapists in the member states, while ensuring the provision
18 of safe, competent, and reliable services to the public.

19 This Compact is designed to achieve the following objectives, and the member states hereby
20 ratify the same intentions by subscribing hereto:

- 21 (1) Increase public access to massage therapy services by providing for a
22 multistate licensing pathway.
23 (2) Enhance the member states' ability to protect the public's health and safety.
24 (3) Enhance the member states' ability to prevent human trafficking and licensure
25 fraud.
26 (4) Encourage the cooperation of member states in regulating the multistate
27 practice of massage therapy.
28 (5) Support relocating military members and their spouses.
29 (6) Facilitate and enhance the exchange of licensure, investigative, and
30 disciplinary information between the member states.
31 (7) Create an Interstate Commission that will exist to implement and administer
32 the Compact.
33 (8) Allow a member state to hold a licensee accountable, even where that licensee
34 holds a multistate license.
35 (9) Create a streamlined pathway for licensees to practice in member states, thus
36 increasing the mobility of duly licensed massage therapists.



- 1 (10) Serve the needs of licensed massage therapists and the public receiving their
2 services.
- 3 (11) Establish that nothing in this Compact is intended to prevent a state from
4 enforcing its own laws regarding the practice of massage therapy.

5 **"§ 90-637.2. Definitions.**

6 As used in this Compact, except as otherwise provided and subject to clarification by the
7 rules of the Commission, the following definitions apply:

- 8 (1) Active military member. – Any person with full-time duty status in the armed
9 forces of the United States, including members of the National Guard and
10 Reserve.
- 11 (2) Adverse action. – Any administrative, civil, equitable, or criminal action
12 permitted by a member state's laws which is imposed by a licensing authority
13 or other regulatory body against a licensee, including actions against an
14 individual's authorization to practice such as revocation, suspension,
15 probation, surrender in lieu of discipline, monitoring of the licensee, limitation
16 of the licensee's practice, or any other encumbrance on licensure affecting an
17 individual's ability to practice massage therapy, including the issuance of a
18 cease and desist order.
- 19 (3) Alternative program. – A nondisciplinary monitoring or prosecutorial
20 diversion program approved by a member state's licensing authority.
- 21 (4) Authorization to practice. – A legal authorization by a remote state pursuant
22 to a multistate license permitting the practice of massage therapy in that
23 remote state, which shall be subject to the enforcement jurisdiction of the
24 licensing authority in that remote state.
- 25 (5) Background check. – The submission of an applicant's criminal history record
26 information, as further defined in 28 C.F.R. § 20.3(d), as amended from the
27 Federal Bureau of Investigation and the agency responsible for retaining state
28 criminal records in the applicant's home state.
- 29 (6) Charter member states. – Member states who have enacted legislation to adopt
30 this Compact where such legislation predates the effective date of this
31 Compact as defined in G.S. 90-637.12.
- 32 (7) Commission. – The government agency whose membership consists of all
33 states that have enacted this Compact, which is known as the Interstate
34 Massage Compact Commission, as defined in G.S. 90-637.8, and which shall
35 operate as an instrumentality of the member states.
- 36 (8) Continuing competence. – A requirement, as a condition of license renewal,
37 to provide evidence of participation in, and completion of, educational or
38 professional activities that maintain, improve, or enhance massage therapy
39 fitness to practice.
- 40 (9) Current significant investigative information. – Investigative information that
41 a licensing authority, after an inquiry or investigation that complies with a
42 member state's due process requirements, has reason to believe is not
43 groundless and, if proved true, would indicate a violation of that state's laws
44 regarding the practice of massage therapy.
- 45 (10) Data system. – A repository of information about licensees who hold
46 multistate licenses, which may include, but is not limited to, license status,
47 investigative information, and adverse actions.
- 48 (11) Disqualifying event. – Any event which shall disqualify an individual from
49 holding a multistate license under this Compact, which the Commission may
50 by rule specify.

- 1 (12) Encumbrance. – A revocation or suspension of, or any limitation or condition
2 on, the full and unrestricted practice of massage therapy by a licensing
3 authority.
- 4 (13) Executive committee. – A group of delegates elected or appointed to act on
5 behalf of, and within the powers granted to them by, the Commission.
- 6 (14) Home state. – The member state which is a licensee's primary state of
7 residence where the licensee holds an active single-state license.
- 8 (15) Investigative information. – Information, records, or documents received or
9 generated by a licensing authority pursuant to an investigation or other
10 inquiry.
- 11 (16) Licensee. – An individual who currently holds a license from a member state
12 to fully practice massage therapy, whose license is not a student, provisional,
13 temporary, inactive, or other similar status.
- 14 (17) 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 (18) Massage therapy, massage therapy services, and the practice of massage
18 therapy. – The care and services provided by a licensee as set forth in the
19 member state's statutes and regulations in the state where the services are
20 being provided.
- 21 (19) Member state. – Any state that has adopted this Compact.
- 22 (20) Multistate license. – A license that consists of authorizations to practice
23 massage therapy in all remote states pursuant to this Compact, which shall be
24 subject to the enforcement jurisdiction of the licensing authority in a licensee's
25 home state.
- 26 (21) National licensing examination. – A national examination developed by a
27 national association of massage therapy regulatory boards, as defined by
28 Commission rule, that is derived from a practice analysis and is consistent
29 with generally accepted psychometric principles of fairness, validity, and
30 reliability, and is administered under secure and confidential examination
31 protocols.
- 32 (22) Remote state. – Any member state, other than the licensee's home state.
- 33 (23) Rule. – Any opinion or regulation promulgated by the Commission under this
34 Compact, which shall have the force of law.
- 35 (24) Single-state license. – A current, valid authorization issued by a member
36 state's licensing authority allowing an individual to fully practice massage
37 therapy, that is not a restricted, student, provisional, temporary, or inactive
38 practice authorization and authorizes practice only within the issuing state.
- 39 (25) State. – A state, territory, possession of the United States, or the District of
40 Columbia.

41 **"§ 90-637.3. Member state requirements.**

42 (a) To be eligible to join this Compact, and to maintain eligibility as a member state, a
43 state must do all of the following:

- 44 (1) License and regulate the practice of massage therapy.
- 45 (2) Have a mechanism or entity in place to receive and investigate complaints
46 from the public, regulatory or law enforcement agencies, or the Commission
47 about licensees practicing in that state.
- 48 (3) Accept passage of a national licensing examination as a criterion for massage
49 therapy licensure in that state.
- 50 (4) Require that licensees satisfy educational requirements prior to being licensed
51 to provide massage therapy services to the public in that state.

- 1 (5) Implement procedures for requiring the background check of applicants for a
2 multistate license, and for the reporting of any disqualifying events, including
3 obtaining and submitting, for each licensee holding a multistate license and
4 each applicant for a multistate license, fingerprint, or other biometric-based
5 information to the Federal Bureau of Investigation for background checks;
6 receiving the results of the Federal Bureau of Investigation record search on
7 background checks and considering the results of such a background check in
8 making licensure decisions.
- 9 (6) Have continuing competence requirements as a condition for license renewal.
- 10 (7) Participate in the data system, including through the use of unique identifying
11 numbers as described in this Compact.
- 12 (8) Notify the Commission and other member states, in compliance with the terms
13 of the Compact and rules of the Commission, of any disciplinary action taken
14 by the state against a licensee practicing under a multistate license in that state,
15 or of the existence of investigative information or current significant
16 investigative information regarding a licensee practicing in that state pursuant
17 to a multistate license.
- 18 (9) Comply with the rules of the Commission.
- 19 (10) Accept licensees with valid multistate licenses from other member states as
20 established in this Compact.

21 (b) Individuals not residing in a member state shall continue to be able to apply for a
22 member state's single-state license as provided under the laws of each member state. However,
23 the single-state license granted to those individuals shall not be recognized as granting a
24 multistate license for massage therapy in any other member state.

25 (c) Nothing in this Compact shall affect the requirements established by a member state
26 for the issuance of a single-state license.

27 (d) A multistate license issued to a licensee shall be recognized by each remote state as
28 an authorization to practice massage therapy in each remote state.

29 **"§ 90-637.4. Multistate license requirements.**

30 (a) To qualify for a multistate license under this Compact and to maintain eligibility for
31 such a license, an applicant must meet all the following requirements:

- 32 (1) Hold an active single-state license to practice massage therapy in the
33 applicant's home state.
- 34 (2) Have completed at least 625 clock hours of massage therapy education or the
35 substantial equivalent which the Commission may approve by rule.
- 36 (3) Have passed a national licensing examination or the substantial equivalent
37 which the Commission may approve by rule.
- 38 (4) Submit to a background check.
- 39 (5) Have not been convicted or found guilty, or have entered into an agreed
40 disposition, of a felony offense under applicable state or federal criminal law,
41 within five years prior to the date of their application, where such a time period
42 shall not include any time served for the offense, and provided that the
43 applicant has completed any and all requirements arising as a result of any
44 such offense.
- 45 (6) Have not been convicted or found guilty, or have entered into an agreed
46 disposition, of a misdemeanor offense related to the practice of massage
47 therapy under applicable state or federal criminal law, within two years prior
48 to the date of their application where such a time period shall not include any
49 time served for the offense, and provided that the applicant has completed any
50 and all requirements arising as a result of any such offense.

- 1 (7) Have not been convicted or found guilty, or have entered into an agreed
2 disposition, of any offense, whether a misdemeanor or a felony, under state or
3 federal law, at any time, relating to any of the following:
4 a. Kidnapping.
5 b. Human trafficking.
6 c. Human smuggling.
7 d. Sexual battery, sexual assault, or any related offenses.
8 e. Any other category of offense which the Commission may by rule
9 designate.
- 10 (8) Have not previously held a massage therapy license which was revoked by or
11 surrendered in lieu of discipline to an applicable licensing authority.
- 12 (9) Have no history of any adverse action on any occupational or professional
13 license within two years prior to the date of their application.
- 14 (10) Pay all required fees.
- 15 (b) A multistate license granted pursuant to this Compact may be effective for a definite
16 period of time concurrent with the renewal of the home state license.
- 17 (c) A licensee practicing in a member state is subject to all scope of practice laws
18 governing massage therapy services in that state.
- 19 (d) The practice of massage therapy under a multistate license granted pursuant to this
20 Compact will subject the licensee to the jurisdiction of the licensing authority, the courts, and the
21 laws of the member state in which the massage therapy services are provided.
- 22 "**§ 90-637.5. Authority of Interstate Massage Compact Commission and member state**
23 **licensing authorities.**
- 24 (a) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
25 restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations,
26 or other rules related to the practice of massage therapy in that state, where those laws,
27 regulations, or other rules are not inconsistent with the provisions of this Compact.
- 28 (b) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
29 restrict, or in any way reduce the ability of a member state to take adverse action against a
30 licensee's single-state license to practice massage therapy in that state.
- 31 (c) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
32 restrict, or in any way reduce the ability of a remote state to take adverse action against a
33 licensee's authorization to practice in that state.
- 34 (d) Nothing in this Compact, nor any rule of the Commission, shall be construed to limit,
35 restrict, or in any way reduce the ability of a licensee's home state to take adverse action against
36 a licensee's multistate license based upon information provided by a remote state.
- 37 (e) Insofar as practical, a member state's licensing authority shall cooperate with the
38 Commission and with each entity exercising independent regulatory authority over the practice
39 of massage therapy according to the provisions of this Compact.
- 40 "**§ 90-637.6. Adverse actions.**
- 41 (a) A licensee's home state shall have exclusive power to impose an adverse action
42 against a licensee's multistate license issued by the home state.
- 43 (b) A home state may take adverse action on a multistate license based on the
44 investigative information, current significant investigative information, or adverse action of a
45 remote state.
- 46 (c) A home state shall retain authority to complete any pending investigations of a
47 licensee practicing under a multistate license who changes their home state during the course of
48 such an investigation. The licensing authority shall also be empowered to report the results of
49 such an investigation to the Commission through the data system as described in this Compact.
- 50 (d) Any member state may investigate actual or alleged violations of the scope of practice
51 laws in any other member state for a massage therapist who holds a multistate license.

1 (e) A remote state shall have the authority to do all of the following actions:

2 (1) Take adverse actions against a licensee's authorization to practice.

3 (2) Issue cease and desist orders or impose an encumbrance on a licensee's
4 authorization to practice in that state.

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

15 (4) If otherwise permitted by state law, recover from the affected licensee the
16 costs of investigations and disposition of cases resulting from any adverse
17 action taken against that licensee.

18 (5) Take adverse action against the licensee's authorization to practice in that state
19 based on the factual findings of another member state.

20 (f) If an adverse action is taken by the home state against a licensee's multistate license
21 or single-state license to practice in the home state, the licensee's authorization to practice in all
22 other member states shall be deactivated until all encumbrances have been removed from such
23 license. All home state disciplinary orders that impose an adverse action against a licensee shall
24 include a statement that the massage therapist's authorization to practice is deactivated in all
25 member states during the pendency of the order.

26 (g) If adverse action is taken by a remote state against a licensee's authorization to
27 practice, that adverse action applies to all authorizations to practice in all remote states. A
28 licensee whose authorization to practice in a remote state is removed for a specified period of
29 time is not eligible to apply for a new multistate license in any other state until the specific time
30 for removal of the authorization to practice has passed and all encumbrance requirements are
31 satisfied.

32 (h) Nothing in this Compact shall override a member state's authority to accept a
33 licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate
34 license shall be suspended for the duration of the licensee's participation in any alternative
35 program.

36 (i) Joint Investigations. –

37 (1) In addition to the authority granted to a member state by its respective scope
38 of practice laws or other applicable state law, a member state may participate
39 with other member states in joint investigations of licensees.

40 (2) Member states shall share any investigative, litigation, or compliance
41 materials in furtherance of any joint or individual investigation initiated under
42 the Compact.

43 **"§ 90-637.7. Active military members and their spouses.**

44 Active military members, or their spouses, shall designate a home state where the individual
45 has a current license to practice massage therapy in good standing. The individual may retain
46 their home state designation during any period of service when that individual or their spouse is
47 on active duty assignment.

48 **"§ 90-637.8. Establishment and operation of Interstate Massage Compact Commission.**

49 (a) Establishment. – The Compact member states hereby create and establish a joint
50 government agency whose membership consists of all member states that have enacted the
51 Compact known as the Interstate Massage Compact Commission. The Commission is an

1 instrumentality of the Compact member states acting jointly and not an instrumentality of any
2 one state. The Commission shall come into existence on or after the effective date of the Compact
3 as set forth in G.S. 90-637.12.

4 (b) Membership, Voting, and Meetings. – Each member state shall have and be limited
5 to one delegate selected by that member state's state licensing authority. The delegate shall be
6 the primary administrative officer of the state licensing authority or their designee. The
7 Commission shall by rule or bylaw establish a term of office for delegates and may by rule or
8 bylaw establish term limits. The Commission may recommend removal or suspension of any
9 delegate from office. A member state's state licensing authority shall fill any vacancy of its
10 delegate occurring on the Commission within 60 days of the vacancy. Each delegate shall be
11 entitled to one vote on all matters that are voted on by the Commission. The Commission shall
12 meet at least once during each calendar year. Additional meetings may be held as set forth in the
13 bylaws. The Commission may meet by telecommunication, video conference, or other similar
14 electronic means.

15 (c) Powers. – The Commission shall have all of the following powers:

16 (1) Establish the fiscal year of the Commission.

17 (2) Establish a code of conduct and conflict of interest policies.

18 (3) Adopt rules and bylaws.

19 (4) Maintain its financial records in accordance with the bylaws.

20 (5) Meet and take such actions as are consistent with the provisions of this
21 Compact, the Commission's rules, and the bylaws.

22 (6) Initiate and conclude legal proceedings or actions in the name of the
23 Commission, provided that the standing of any state licensing authority to sue
24 or be sued under applicable law shall not be affected.

25 (7) Maintain and certify records and information provided to a member state as
26 the authenticated business records of the Commission, and designate an agent
27 to do so on the Commission's behalf.

28 (8) Purchase and maintain insurance and bonds.

29 (9) Borrow, accept, or contract for services of personnel, including, but not
30 limited to, employees of a member state.

31 (10) Conduct an annual financial review.

32 (11) Hire employees, elect or appoint officers, fix compensation, define duties,
33 grant such individuals appropriate authority to carry out the purposes of the
34 Compact, and establish the Commission's personnel policies and programs
35 relating to conflicts of interest, qualifications of personnel, and other related
36 personnel matters.

37 (12) Assess and collect fees.

38 (13) Accept any and all appropriate gifts, donations, grants of money, other sources
39 of revenue, equipment, supplies, materials, and services, and receive, utilize,
40 and dispose of the same; provided that at all times the Commission shall avoid
41 any appearance of impropriety or conflict of interest.

42 (14) Lease, purchase, retain, own, hold, improve, or use any property, real,
43 personal, or mixed, or any undivided interest therein.

44 (15) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise
45 dispose of any property real, personal, or mixed.

46 (16) Establish a budget and make expenditures.

47 (17) Borrow money.

48 (18) Appoint committees, including standing committees, composed of members,
49 state regulators, state legislators or their representatives, and consumer
50 representatives, and such other interested persons as may be designated in this
51 Compact and the bylaws.

- 1 (19) Accept and transmit complaints from the public, regulatory or law
2 enforcement agencies, or the Commission to the relevant member states
3 regarding potential misconduct of licensees.
- 4 (20) Elect a chair, vice-chair, secretary, and treasurer and such other officers of the
5 Commission as provided in the Commission's bylaws.
- 6 (21) Establish and elect an Executive Committee, including a chair and a
7 vice-chair.
- 8 (22) Adopt and provide to the member states an annual report.
- 9 (23) Determine whether a state's adopted language is materially different from the
10 model Compact language such that the state would not qualify for
11 participation in the Compact.
- 12 (24) Perform such other functions as may be necessary or appropriate to achieve
13 the purposes of this Compact.
- 14 (d) Executive Committee; Powers; Duties. – The Executive Committee shall have the
15 power to act on behalf of the Commission according to the terms of this Compact. The powers,
16 duties, and responsibilities of the Executive Committee shall include all of the following:
- 17 (1) Overseeing the day-to-day activities of the administration of the Compact,
18 including compliance with the provisions of the Compact, the Commission's
19 rules and bylaws, and other such duties as deemed necessary.
- 20 (2) Recommending to the Commission changes to the rules or bylaws, changes to
21 this Compact legislation, fees charged to Compact member states, fees
22 charged to licensees, and other fees.
- 23 (3) Ensuring Compact administration services are appropriately provided,
24 including by contract.
- 25 (4) Preparing and recommending the budget.
- 26 (5) Maintaining financial records on behalf of the Commission.
- 27 (6) Monitoring Compact compliance of member states and providing compliance
28 reports to the Commission.
- 29 (7) Establishing additional committees as necessary.
- 30 (8) Exercise the powers and duties of the Commission during the interim between
31 Commission meetings, except for adopting or amending rules, adopting or
32 amending bylaws, and exercising any other powers and duties expressly
33 reserved to the Commission by rule or bylaw.
- 34 (9) Other duties as provided in the rules or bylaws of the Commission.
- 35 (e) Executive Committee; Membership. – The Executive Committee shall be composed
36 of seven voting members and up to two ex officio members as follows:
- 37 (1) The chair and vice-chair of the Commission and any other members of the
38 Commission who serve on the Executive Committee shall be voting members
39 of the Executive Committee; and
- 40 (2) Other than the chair, vice-chair, secretary and treasurer, the Commission shall
41 elect three voting members from the current membership of the Commission.
- 42 (3) The Commission may elect ex officio, nonvoting members as necessary as
43 follows:
- 44 a. One ex officio member who is a representative of the national
45 association of state massage therapy regulatory boards.
- 46 b. One ex officio member as specified in the Commission's bylaws.
- 47 (f) Commission Power to Remove Executive Committee Members. – The Commission
48 may remove any member of the Executive Committee as provided in the Commission's bylaws.
- 49 (g) Executive Committee Meetings. – The Executive Committee shall meet at least
50 annually. Executive Committee meetings shall be open to the public, except that the Executive
51 Committee may meet in a closed, nonpublic session of a public meeting when dealing with any

1 of the matters covered under subsection (k) of this section. The Executive Committee shall give
2 five business days advance notice of its public meetings, posted on its website and as determined
3 to provide notice to persons with an interest in the public matters the Executive Committee
4 intends to address at those meetings.

5 (h) Executive Committee Emergency Meetings. – The Executive Committee may hold
6 an emergency meeting when acting for the Commission to (i) meet an imminent threat to public
7 health, safety, or welfare; (ii) prevent a loss of Commission or participating state funds; or (iii)
8 protect public health and safety.

9 (i) Annual Report. – The Commission shall adopt and provide to the member states an
10 annual report.

11 (j) Meetings of the Commission. – All meetings of the Commission that are not closed
12 pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted
13 on the Commission's website at least 30 days prior to the public meeting. Notwithstanding
14 subsection (g) of this section, the Commission may convene an emergency public meeting by
15 providing at least 24 hours prior notice on the Commission's website, and any other means as
16 provided in the Commission's rules, for any of the reasons it may dispense with notice of
17 proposed rulemaking under G.S. 90-637.10(l). The Commission's legal counsel shall certify that
18 one of the reasons justifying an emergency public meeting has been met. Notice of all
19 Commission meetings shall provide the time, date, and location of the meeting, and if the meeting
20 is to be held or accessible via telecommunication, video conference, or other electronic means,
21 the notice shall include the mechanism for access to the meeting.

22 (k) Nonpublic Commission Meetings. – The Commission may convene in a closed,
23 nonpublic meeting for the Commission to discuss any of the following:

- 24 (1) Noncompliance of a member state with its obligations under the Compact.
- 25 (2) The employment, compensation, discipline or other matters, practices or
26 procedures related to specific employees or other matters related to the
27 Commission's internal personnel practices and procedures.
- 28 (3) Current or threatened discipline of a licensee by the Commission or by a
29 member state's licensing authority.
- 30 (4) Current, threatened, or reasonably anticipated litigation.
- 31 (5) Negotiation of contracts for the purchase, lease, or sale of goods, services, or
32 real estate.
- 33 (6) Accusing any person of a crime or formally censuring any person.
- 34 (7) Trade secrets or commercial or financial information that is privileged or
35 confidential.
- 36 (8) Information of a personal nature where disclosure would constitute a clearly
37 unwarranted invasion of personal privacy.
- 38 (9) Investigative records compiled for law enforcement purposes.
- 39 (10) Information related to any investigative reports prepared by or on behalf of or
40 for use of the Commission or other committee charged with responsibility of
41 investigation or determination of compliance issues pursuant to the Compact.
- 42 (11) Legal advice.
- 43 (12) Matters specifically exempted from disclosure to the public by federal or
44 member state law.
- 45 (13) Other matters as promulgated by the Commission by rule.

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

49 (l) Meeting Minutes. – The Commission shall keep minutes that fully and clearly
50 describe all matters discussed in a meeting and shall provide a full and accurate summary of
51 actions taken, and the reasons therefore, including a description of the views expressed. All

1 documents considered in connection with an action shall be identified in such minutes. All
2 minutes and documents of a closed meeting shall remain under seal, subject to release only by a
3 majority vote of the Commission or order of a court of competent jurisdiction.

4 (m) Financing of the Commission. – The Commission shall pay, or provide for the
5 payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

6 The Commission may accept any and all appropriate sources of revenue, donations, and
7 grants of money, equipment, supplies, materials, and services. The Commission may levy on and
8 collect an annual assessment from each member state and impose fees on licensees of member
9 states to whom it grants a multistate license to cover the cost of the operations and activities of
10 the Commission and its staff, which must be in a total amount sufficient to cover its annual budget
11 as approved each year for which revenue is not provided by other sources. The aggregate annual
12 assessment amount for member states shall be allocated based upon a formula that the
13 Commission shall promulgate by rule. The Commission shall not incur obligations of any kind
14 prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit
15 of any member states, except by and with the authority of the member state.

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

22 (n) Qualified Immunity, Defense, and Indemnification. – The members, officers,
23 executive director, employees, and representatives of the Commission shall be immune from suit
24 and liability, both personally and in their official capacity, for any claim for damage to or loss of
25 property or personal injury or other civil liability caused by or arising out of any actual or alleged
26 act, error, or omission that occurred, or that the person against whom the claim is made had a
27 reasonable basis for believing occurred within the scope of Commission employment, duties, or
28 responsibilities; provided that nothing in this subsection shall be construed to protect any such
29 person from suit or liability for any damage, loss, injury, or liability caused by the intentional or
30 willful or wanton misconduct of that person. The procurement of insurance of any type by the
31 Commission shall not in any way compromise or limit the immunity granted hereunder.

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

41 The Commission shall indemnify and hold harmless any member, officer, executive director,
42 employee, and representative of the Commission for the amount of any settlement or judgment
43 obtained against that person arising out of any actual or alleged act, error, or omission that
44 occurred within the scope of Commission employment, duties, or responsibilities, or that such
45 person had a reasonable basis for believing occurred within the scope of Commission
46 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
47 did not result from the intentional or willful or wanton misconduct of that person.

48 Nothing herein shall be construed as a limitation on the liability of any licensee for
49 professional malpractice or misconduct, which shall be governed solely by any other applicable
50 state laws. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member
51 state's state action immunity or state action affirmative defense with respect to antitrust claims

1 under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law
2 or regulation. Nothing in this Compact shall be construed to be a waiver of sovereign immunity
3 by the member states or by the Commission.

4 **"§ 90-637.9. Data system.**

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

7 (b) The Commission shall assign each applicant for a multistate license a unique
8 identifier, as determined by the rules of the Commission.

9 (c) Notwithstanding any other provision of state law to the contrary, a member state shall
10 submit a uniform data set to the data system on all individuals to whom this Compact is applicable
11 as required by the rules of the Commission, including all of the following:

12 (1) Identifying information.

13 (2) Licensure data.

14 (3) Adverse actions against a license and information related thereto.

15 (4) Nonconfidential information related to alternative program participation, the
16 beginning and ending dates of such participation, and other information
17 related to such participation.

18 (5) Any denial of application for licensure, and the reasons for such denial
19 (excluding the reporting of any criminal history record information where
20 prohibited by law).

21 (6) The existence of investigative information.

22 (7) The existence of current significant investigative information.

23 (8) Other information that may facilitate the administration of this Compact or the
24 protection of the public, as determined by the rules of the Commission.

25 (d) The records and information provided to a member state pursuant to this Compact or
26 through the data system, when certified by the Commission or an agent thereof, shall constitute
27 the authenticated business records of the Commission, and shall be entitled to any associated
28 hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a
29 member state.

30 (e) The existence of current significant investigative information and the existence of
31 investigative information pertaining to a licensee in any member state will only be available to
32 other member states.

33 (f) It is the responsibility of the member states to report any adverse action against a
34 licensee who holds a multistate license and to monitor the database to determine whether adverse
35 action has been taken against such a licensee or license applicant. Adverse action information
36 pertaining to a licensee or license applicant in any member state will be available to any other
37 member state.

38 (g) Member states contributing information to the data system may designate information
39 that may not be shared with the public without the express permission of the contributing state.

40 (h) Any information submitted to the data system that is subsequently expunged pursuant
41 to federal law or the laws of the member state contributing the information shall be removed from
42 the data system.

43 **"§ 90-637.10. Rulemaking.**

44 (a) The Commission shall promulgate reasonable rules in order to effectively and
45 efficiently implement and administer the purposes and provisions of the Compact. A rule shall
46 be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule
47 is invalid because the Commission exercised its rulemaking authority in a manner that is beyond
48 the scope and purposes of the Compact, or the powers granted hereunder, or based upon another
49 applicable standard of review.

50 (b) The rules of the Commission shall have the force of law in each member state,
51 provided however that where the rules of the Commission conflict with the laws of the member

1 state that establish the member state's scope of practice as held by a court of competent
2 jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the
3 conflict.

4 (c) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
5 in this Article and the rules adopted thereunder. Rules shall become binding as of the date
6 specified by the Commission for each rule.

7 (d) If a majority of the legislatures of the member states rejects a rule or portion of a rule,
8 by enactment of a statute or resolution in the same manner used to adopt the Compact within four
9 years of the date of adoption of the rule, then such rule shall have no further force and effect in
10 any member state or to any state applying to participate in the Compact.

11 (e) Rules shall be adopted at a regular or special meeting of the Commission.

12 (f) Prior to adoption of a proposed rule, the Commission shall hold a public hearing and
13 allow persons to provide oral and written comments, data, facts, opinions, and arguments.

14 (g) Prior to adoption of a proposed rule by the Commission, and at least 30 days in
15 advance of the meeting at which the Commission will hold a public hearing on the proposed rule,
16 the Commission shall provide a notice of proposed rulemaking (i) on the website of the
17 Commission or other publicly accessible platform, (ii) to persons who have requested notice of
18 the Commission's notices of proposed rulemaking, and (iii) in such other ways as the Commission
19 may by rule specify.

20 (h) The notice of proposed rulemaking shall include all of the following:

21 (1) The time, date, and location of the public hearing at which the Commission
22 will hear public comments on the proposed rule and, if different, the time,
23 date, and location of the meeting where the Commission will consider and
24 vote on the proposed rule.

25 (2) If the hearing is held via telecommunication, video conference, or other
26 electronic means, the Commission shall include the mechanism for access to
27 the hearing in the notice of proposed rulemaking.

28 (3) The text of the proposed rule and the reason therefor.

29 (4) A request for comments on the proposed rule from any interested person.

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

31 (i) All hearings will be recorded. A copy of the recording and all written comments and
32 documents received by the Commission in response to the proposed rule shall be available to the
33 public.

34 (j) Nothing in this Article shall be construed as requiring a separate hearing on each rule.
35 Rules may be grouped for the convenience of the Commission at hearings required by this
36 Article.

37 (k) The Commission shall, by majority vote of all Commissioners, take final action on
38 the proposed rule based on the rulemaking record.

39 (1) The Commission may adopt changes to the proposed rule provided the
40 changes do not enlarge the original purpose of the proposed rule.

41 (2) The Commission shall provide an explanation of the reasons for substantive
42 changes made to the proposed rule as well as reasons for substantive changes
43 not made that were recommended by commenters.

44 (3) The Commission shall determine a reasonable effective date for the rule.
45 Except for an emergency as provided in subsection (l) of this section, the
46 effective date of the rule shall be no sooner than 30 days after the Commission
47 issuing the notice that it adopted or amended the rule.

48 (l) Upon determination that an emergency exists, the Commission may consider and
49 adopt an emergency rule with 24 hours notice, provided that the usual rulemaking procedures
50 provided in the Compact and in this Article shall be retroactively applied to the rule as soon as
51 reasonably possible, in no event later than 90 days after the effective date of the rule. For the

1 purposes of this provision, an emergency rule is one that must be adopted immediately to (i) meet
2 an imminent threat to public health, safety, or welfare, (ii) prevent a loss of Commission or
3 member state funds, (iii) meet a deadline for the promulgation of a rule that is established by
4 federal law or rule, or (iv) protect public health and safety.

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

14 (n) No member state's rulemaking requirements shall apply under this Compact.

15 **"§ 90-637.11. Oversight, dispute resolution, and enforcement.**

16 (a) The executive and judicial branches of state government in each member state shall
17 enforce this Compact and take all actions necessary and appropriate to implement the Compact.

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

24 (c) The Commission shall be entitled to receive service of process in any proceeding
25 regarding the enforcement or interpretation of the Compact and shall have standing to intervene
26 in such a proceeding for all purposes. Failure to provide the Commission service of process shall
27 render a judgment or order void as to the Commission, this Compact, or promulgated rules.

28 (d) If the Commission determines that a member state has defaulted in the performance
29 of its obligations or responsibilities under this Compact or the promulgated rules, the
30 Commission shall provide written notice to the defaulting state. The notice of default shall
31 describe the default, the proposed means of curing the default, and any other action that the
32 Commission may take and shall offer training and specific technical assistance regarding the
33 default. The Commission shall provide a copy of the notice of default to the other member states.

34 (e) If a state in default fails to cure the default, the defaulting state may be terminated
35 from the Compact upon an affirmative vote of a majority of the delegates of the member states,
36 and all rights, privileges, and benefits conferred on that state by this Compact may be terminated
37 on the effective date of termination. A cure of the default does not relieve the offending state of
38 obligations or liabilities incurred during the period of default.

39 (f) Termination of membership in the Compact shall be imposed only after all other
40 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
41 shall be given by the Commission to the governor, the majority and minority leaders of the
42 defaulting state's legislature, the defaulting state's state licensing authority, and each of the
43 member states' state licensing authority.

44 (g) A state that has been terminated is responsible for all assessments, obligations, and
45 liabilities incurred through the effective date of termination, including obligations that extend
46 beyond the effective date of termination.

47 (h) Upon the termination of a state's membership from this Compact, that state shall
48 immediately provide notice to all licensees who hold a multistate license within that state of such
49 termination. The terminated state shall continue to recognize all licenses granted pursuant to this
50 Compact for a minimum of 180 days after the date of said notice of termination.

1 (i) The Commission shall not bear any costs related to a state that is found to be in default
2 or that has been terminated from the Compact, unless agreed upon in writing between the
3 Commission and the defaulting state.

4 (j) The defaulting state may appeal the action of the Commission by petitioning the U.S.
5 District Court for the District of Columbia or the federal district where the Commission has its
6 principal offices. The prevailing party shall be awarded all costs of such litigation, including
7 reasonable attorneys' fees.

8 (k) Upon request by a member state, the Commission shall attempt to resolve disputes
9 related to the Compact that arise among member states and between member and nonmember
10 states. The Commission shall promulgate a rule providing for both mediation and binding dispute
11 resolution for disputes as appropriate.

12 (l) The Commission, in the reasonable exercise of its discretion, shall enforce the
13 provisions of this Compact and the Commission's rules.

14 (m) By majority vote as provided by Commission rule, the Commission may initiate legal
15 action against a member state in default in the United States District Court for the District of
16 Columbia or the federal district where the Commission has its principal offices to enforce
17 compliance with the provisions of the Compact and its promulgated rules. The relief sought may
18 include both injunctive relief and damages. In the event judicial enforcement is necessary, the
19 prevailing party shall be awarded all costs of such litigation, including reasonable attorneys' fees.
20 The remedies herein shall not be the exclusive remedies of the Commission. The Commission
21 may pursue any other remedies available under federal or the defaulting member state's law.

22 (n) A member state may initiate legal action against the Commission in the U.S. District
23 Court for the District of Columbia or the federal district where the Commission has its principal
24 offices to enforce compliance with the provisions of the Compact and its promulgated rules. The
25 relief sought may include both injunctive relief and damages. In the event judicial enforcement
26 is necessary, the prevailing party shall be awarded all costs of such litigation, including
27 reasonable attorneys' fees.

28 (o) No individual or entity other than a member state may enforce this Compact against
29 the Commission.

30 **"§ 90-637.12. Effective date, withdrawal, and amendment.**

31 (a) The Compact shall come into effect on the date on which the Compact statute is
32 enacted into law in the seventh member state. On or after the effective date of the Compact, the
33 Commission shall convene and review the enactment of each of the charter member states to
34 determine if the statute enacted by each such charter member state is materially different than the
35 model Compact statute.

36 (b) A charter member state whose enactment is found to be materially different from the
37 model Compact statute shall be entitled to the default process set forth in G.S. 90-637.11. If any
38 member state is later found to be in default, or is terminated or withdraws from the Compact, the
39 Commission shall remain in existence and the Compact shall remain in effect even if the number
40 of member states should be less than seven.

41 (c) Member states enacting the Compact subsequent to the charter member states shall
42 be subject to the process set forth in G.S. 90-637.8(c)(23) to determine if their enactments are
43 materially different from the model Compact statute and whether they qualify for participation
44 in the Compact.

45 (d) All actions taken for the benefit of the Commission or in furtherance of the purposes
46 of the administration of the Compact prior to the effective date of the Compact or the Commission
47 coming into existence shall be considered to be actions of the Commission unless specifically
48 repudiated by the Commission.

49 (e) Any state that joins the Compact shall be subject to the Commission's rules and
50 bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that

1 has been previously adopted by the Commission shall have the full force and effect of law on the
2 day the Compact becomes law in that state.

3 (f) Any member state may withdraw from this Compact by enacting a statute repealing
4 that state's enactment of the Compact. A member state's withdrawal shall not take effect until
5 180 days after enactment of the repealing statute. Withdrawal shall not affect the continuing
6 requirement of the withdrawing state's licensing authority to comply with the investigative and
7 adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

8 (g) Upon the enactment of a statute withdrawing from this Compact, a state shall
9 immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding
10 any subsequent statutory enactment to the contrary, such withdrawing state shall continue to
11 recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date
12 of such notice of withdrawal.

13 (h) Nothing contained in this Compact shall be construed to invalidate or prevent any
14 licensure agreement or other cooperative arrangement between a member state and a nonmember
15 state that does not conflict with the provisions of this Compact.

16 (i) This Compact may be amended by the member states. No amendment to this Compact
17 shall become effective and binding upon any member state until it is enacted into the laws of all
18 member states.

19 **"§ 90-637.13. Construction and severability.**

20 (a) This Compact and the Commission's rulemaking authority shall be liberally construed
21 so as to effectuate the purposes, and the implementation and administration of the Compact.
22 Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not
23 be construed to limit the Commission's rulemaking authority solely for those purposes.

24 (b) The provisions of this Compact shall be severable and if any phrase, clause, sentence,
25 or provision of this Compact is held by a court of competent jurisdiction to be contrary to the
26 constitution of any member state, a state seeking participation in the Compact, or of the United
27 States, or the applicability thereof to any government, agency, person, or circumstance is held to
28 be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this
29 Compact and the applicability thereof to any other government, agency, person, or circumstance
30 shall not be affected thereby.

31 (c) Notwithstanding subsection (b) of this section, the Commission may deny a state's
32 participation in the Compact or, in accordance with the requirements of G.S. 90-637.11,
33 terminate a member state's participation in the Compact, if it determines that a constitutional
34 requirement of a member state is a material departure from the Compact. Otherwise, if this
35 Compact shall be held to be contrary to the constitution of any member state, the Compact shall
36 remain in full force and effect as to the remaining member states and in full force and effect as
37 to the member state affected as to all severable matters.

38 **"§ 90-637.14. Consistent effect and conflict with other state laws.**

39 Nothing herein shall prevent or inhibit the enforcement of any other law of a member state
40 that is not inconsistent with the Compact. Any laws, statutes, regulations, or other legal
41 requirements in a member state in conflict with the Compact are superseded to the extent of the
42 conflict. All permissible agreements between the Commission and the member states are binding
43 in accordance with their terms."

44 **SECTION 2.** The North Carolina Board of Massage and Bodywork Therapy may
45 adopt rules necessary to implement the provisions of Section 1 of this act.

46 **SECTION 3.** Sections 1 and 2 of this act become effective when at least seven states
47 have enacted the Interstate Massage Compact set forth in Section 1 of this act. The North Carolina
48 Board of Massage and Bodywork Therapy shall report to the Revisor of Statutes when the
49 Compact set forth in Section 1 of this act has been enacted by the seven member states. The
50 remainder of this act is effective when it becomes law.