

HB300 INTRODUCED



1 HB300
2 UL27GXX-1
3 By Representatives Moore (P), Oliver, Paschal
4 RFD: Boards, Agencies and Commissions
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SYNOPSIS:

This bill would allow the Alabama Board of Massage Therapy to enter into the Interstate Massage Compact by adopting Article 2 of Chapter 43 of Title 34, Code of Alabama 1975, as a means of providing uniformity in licensing requirements and interstate practice throughout party states.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Board of Massage Therapy; to enter into the Interstate Massage Compact by adopting Article 2 of Chapter 43 of Title 34, Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-43-1 through 34-43-21, Code of Alabama 1975, are designated as Article 1 of Chapter 43 of Title 34, Code of Alabama 1975.

Section 2. Article 2, commencing with Section 34-43-50, is added to Chapter 43 of Title 34, Code of Alabama 1975, to read as follows:

Article 2. INTERSTATE MASSAGE COMPACT

§34-43-50. Purpose.

The purpose of this compact is to reduce the burdens on



HB300 INTRODUCED

29 state governments and to facilitate the interstate practice
30 and regulation of massage therapy with the goal of improving
31 public access to, and the safety of, massage therapy services.
32 Through this compact, the member states seek to establish a
33 regulatory framework that provides for a new multistate
34 licensing program. Through this additional licensing pathway,
35 the member states seek to provide increased value and mobility
36 to licensed massage therapists in the member states, while
37 ensuring the provision of safe, competent, and reliable
38 services to the public.

39 This compact is designed to achieve the following
40 objectives, and the member states hereby ratify those
41 intentions by subscribing hereto:

42 (1) Increase public access to massage therapy services
43 by providing for a multistate licensing pathway.

44 (2) Enhance the member states' ability to protect the
45 public's health and safety.

46 (3) Enhance the member states' ability to prevent human
47 trafficking and licensure fraud.

48 (4) Encourage the cooperation of member states in
49 regulating the multistate practice of massage therapy.

50 (5) Support relocating military members and their
51 spouses.

52 (6) Facilitate and enhance the exchange of licensure,
53 investigative, and disciplinary information between the member
54 states.

55 (7) Create an interstate commission that will exist to
56 implement and administer the compact.



HB300 INTRODUCED

57 (8) Allow a member state to hold a licensee
58 accountable, even where that licensee holds a multistate
59 license.

60 (9) Create a streamlined pathway for licensees to
61 practice in member states, thus increasing the mobility of
62 duly licensed massage therapists.

63 (10) Serve the needs of licensed massage therapists and
64 the public receiving their services.

65 (11) Nothing in this compact is intended to prevent a
66 state from enforcing its own laws regarding the practice of
67 massage therapy.

68 §34-43-51. Definitions.

69 As used in this compact, except as otherwise provided
70 and subject to clarification by the rules of the commission,
71 the following definitions shall govern the terms herein:

72 (1) ACTIVE MILITARY MEMBER. Any person with full-time
73 duty status in the armed forces of the United States,
74 including members of the National Guard and Reserve.

75 (2) ADVERSE ACTION. Any administrative, civil,
76 equitable, or criminal action permitted by a member state's
77 laws which is imposed by a licensing authority or other
78 regulatory body against a licensee, including actions against
79 an individual's authorization to practice such as revocation,
80 suspension, probation, surrender in lieu of discipline,
81 monitoring of the licensee, imitation of the licensee's
82 practice, or any other encumbrance on licensure affecting an
83 individual's ability to practice massage therapy, including
84 the issuance of a cease and desist order.



HB300 INTRODUCED

85 (3) ALTERNATIVE PROGRAM. A non-disciplinary monitoring
86 or prosecutorial diversion program approved by a member
87 state's licensing authority.

88 (4) AUTHORIZATION TO PRACTICE. A legal authorization by
89 a remote state pursuant to a multistate license permitting the
90 practice of massage therapy in that remote state, which shall
91 be subject to the enforcement jurisdiction of the licensing
92 authority in that remote state.

93 (5) BACKGROUND CHECK. The submission of an applicant's
94 criminal history record information, as further defined in 28
95 C.F.R. § 20.3(d), as amended from the Federal Bureau of
96 Investigation and the agency responsible for retaining state
97 criminal records in the applicant's home state.

98 (6) CHARTER MEMBER STATES. Member states who have
99 enacted legislation to adopt this compact where such
100 legislation predates the effective date of this compact as
101 defined in Section 34-43-61.

102 (7) COMMISSION. The governmental agency whose
103 membership consists of all states that have enacted this
104 compact, which is known as the Interstate Massage Compact
105 Commission and which shall operate as an instrumentality of
106 the member states.

107 (8) CONTINUING COMPETENCE. A requirement, as a
108 condition of license renewal, to provide evidence of
109 participation in, and completion of, educational or
110 professional activities that maintain, improve, or enhance
111 massage therapy fitness to practice.

112 (9) CURRENT SIGNIFICANT INVESTIGATIVE INFORMATION.



HB300 INTRODUCED

113 Investigative information that a licensing authority, after an
114 inquiry or investigation that complies with a member state's
115 due process requirements, has reason to believe is not
116 groundless and, if proved true, would indicate a violation of
117 that state's laws regarding the practice of massage therapy.

118 (10) DATA SYSTEM. A repository of information about
119 licensees who hold multistate licenses, which may include, but
120 is not limited to, license status, investigative information,
121 and adverse actions.

122 (11) DISQUALIFYING EVENT. Any event which shall
123 disqualify an individual from holding a multistate license
124 under this compact, which the commission may specify by rule.

125 (12) ENCUMBRANCE. A revocation or suspension of, or any
126 limitation or condition on, the full and unrestricted practice
127 of massage therapy by a licensing authority.

128 (13) EXECUTIVE COMMITTEE. A group of delegates elected
129 or appointed to act on behalf of, and within the powers
130 granted to them by, the commission.

131 (14) HOME STATE. The member state which is a licensee's
132 primary state of residence where the licensee holds an active
133 single-state license.

134 (15) INVESTIGATIVE INFORMATION. Information, records,
135 or documents received or generated by a licensing authority
136 pursuant to an investigation or other inquiry.

137 (16) LICENSING AUTHORITY. A state's regulatory body
138 responsible for issuing massage therapy licenses or otherwise
139 overseeing the practice of massage therapy in that state.

140 (17) LICENSEE. An individual who currently holds a



HB300 INTRODUCED

141 license from a member state to fully practice massage therapy,
142 whose license is not student, provisional, temporary,
143 inactive, or other similar status.

144 (18) MASSAGE THERAPY, MASSAGE THERAPY SERVICES, and the
145 PRACTICE OF MASSAGE THERAPY. The care and services provided by
146 a licensee as set forth in the member state's statutes and
147 rules in the state where the services are being provided.

148 (19) MEMBER STATE. Any state that has adopted this
149 compact.

150 (20) MULTISTATE LICENSE. A license that consists of
151 authorizations to practice massage therapy in all remote
152 states pursuant to this compact, which shall be subject to the
153 enforcement jurisdiction of the licensing authority in a
154 licensee's home state.

155 (21) NATIONAL LICENSING EXAMINATION. A national
156 examination developed by a national association of massage
157 therapy regulatory boards, as defined by commission rule, that
158 is derived from a practice analysis and is consistent with
159 generally accepted psychometric principles of fairness,
160 validity, and reliability, and is administered under secure
161 and confidential examination protocols.

162 (22) REMOTE STATE. Any member state, other than the
163 licensee's home state.

164 (23) RULE. Any opinion or regulation adopted by the
165 commission under this compact, which shall have the force of
166 law.

167 (24) SINGLE-STATE LICENSE. A current, valid
168 authorization issued by a member state's licensing authority



HB300 INTRODUCED

169 allowing an individual to fully practice massage therapy, that
170 is not restricted, student, provisional, temporary, or
171 inactive practice authorization and authorizes practice only
172 within the issuing state.

173 (25) STATE. A state, territory, possession of the
174 United States, or the District of Columbia.

175 §34-43-52. Member State Requirements.

176 (a) To be eligible to join this compact, and to
177 maintain eligibility as a member state, a state must:

178 (1) License and regulate the practice of massage
179 therapy.

180 (2) Have a mechanism or entity in place to receive and
181 investigate complaints from the public, regulatory or law
182 enforcement agencies, or the commission about licensees
183 practicing in that state.

184 (3) Accept passage of a national licensing examination
185 as a criterion for massage therapy licensure in that state.

186 (4) Require that licensees satisfy educational
187 requirements prior to being licensed to provide massage
188 therapy services to the public in that state.

189 (5) Implement procedures for requiring the background
190 check of applicants for a multistate license, and for the
191 reporting of any disqualifying events, including, but not
192 limited to, obtaining and submitting, for each licensee
193 holding a multistate license and each applicant for a
194 multistate license, fingerprint or other biometric-based
195 information to the Federal Bureau of Investigation for
196 background checks; receiving the results of the Federal Bureau



HB300 INTRODUCED

197 of Investigation record search on background checks and
198 considering the results of such a background check in making
199 licensure decisions.

200 (6) Have continuing competence requirements as a
201 condition for license renewal.

202 (7) Participate in the data system, including through
203 the use of unique identifying numbers as described herein.

204 (8) Notify the commission and other member states, in
205 compliance with the terms of the compact and rules of the
206 commission, of any disciplinary action taken by the state
207 against a licensee practicing under a multistate license in
208 that state, or of the existence of investigative information
209 or current significant investigative information regarding a
210 licensee practicing in that state pursuant to a multistate
211 license.

212 (9) Comply with the rules of the commission.

213 (10) Accept licensees with valid multistate licenses
214 from other member states as established herein.

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

221 (c) Nothing in this compact shall affect the
222 requirements established by a member state for the issuance of
223 a single-state license.

224 (d) A multistate license issued to a licensee shall be



HB300 INTRODUCED

225 recognized by each remote state as an authorization to
226 practice massage therapy in each remote state.

227 §34-43-53. Multistate License Requirements.

228 (a) To qualify for a multistate license under this
229 compact, and to maintain eligibility for such a license, an
230 applicant must:

231 (1) Hold an active single-state license to practice
232 massage therapy in the applicant's home state.

233 (2) Have completed at least 625 clock hours of massage
234 therapy, education, or the substantial equivalent which the
235 commission may approve by rule.

236 (3) Have passed a national licensing examination or the
237 substantial equivalent which the commission may approve by
238 rule.

239 (4) Submit to a background check.

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

247 (6) Have not been convicted or found guilty, or have
248 entered into an agreed disposition, of a misdemeanor offense
249 related to the practice of massage therapy under applicable
250 state or federal criminal law, within two years prior to the
251 date of their application where such a time period shall not
252 include any time served for the offense, and provided that the



HB300 INTRODUCED

253 applicant has completed all requirements arising as a result
254 of any offense.

255 (7) Have not been convicted or found guilty, or have
256 entered into an agreed disposition, of any offense, whether a
257 misdemeanor or a felony, under state or federal law, at any
258 time, relating to any of the following:

259 a. Kidnapping.

260 b. Human trafficking.

261 c. Human smuggling.

262 d. Sexual battery, sexual assault, or any related
263 offenses.

264 e. Any other category of offense which the commission
265 may by rule designate.

266 (8) Have not previously held a massage therapy license
267 which was revoked by, or surrendered in lieu of discipline to,
268 an applicable licensing authority.

269 (9) Have no history of any adverse action on any
270 occupational or professional license within two years prior to
271 the date of their application.

272 (10) Pay all required fees.

273 (b) A multistate license granted pursuant to this
274 compact may be effective for a definite period of time
275 concurrent with the renewal of the home state license.

276 (c) A licensee practicing in a member state is subject
277 to all scope of practice laws governing massage therapy
278 services in that state.

279 (d) The practice of massage therapy under a multistate
280 license granted pursuant to this compact will subject the



HB300 INTRODUCED

281 licensee to the jurisdiction of the licensing authority, the
282 courts, and the laws of the member state in which the massage
283 therapy services are provided.

284 §34-43-54. Authority of Interstate Massage Compact
285 Commission and Member State Licensing Authorities.

286 (a) Nothing in this compact, nor any rule of the
287 commission, shall be construed to limit, restrict, or reduce
288 the ability of a member state to enact and enforce laws or
289 rules related to the practice of massage therapy in that
290 state, where those laws or rules are not inconsistent with the
291 provisions of this compact.

292 (b) Nothing in this compact, nor any rule of the
293 commission, shall be construed to limit, restrict, or reduce
294 the ability of a member state to take adverse action against a
295 licensee's single-state license to practice massage therapy in
296 that state.

297 (c) Nothing in this compact, nor any rule of the
298 commission, shall be construed to limit or reduce the ability
299 of a remote state to take adverse action against a licensee's
300 authorization to practice in that state.

301 (d) Nothing in this compact, nor any rule of the
302 commission, shall be construed to limit, restrict, or reduce
303 the ability of a licensee's home state to take adverse action
304 against a licensee's multistate license based upon information
305 provided by a remote state.

306 (e) Insofar as practical, a member state's licensing
307 authority shall cooperate with the commission and with each
308 entity exercising independent regulatory authority over the



HB300 INTRODUCED

309 practice of massage therapy according to the provisions of
310 this compact.

311 §34-43-55. Adverse Actions.

312 (a) A licensee's home state shall have exclusive power
313 to impose an adverse action against a licensee's multistate
314 license issued by the home state.

315 (b) A home state may take adverse action on a
316 multistate license based on the investigative information,
317 current significant investigative information, or adverse
318 action of a remote state.

319 (c) A home state shall retain authority to complete any
320 pending investigations of a licensee practicing under a
321 multistate license who changes their home state during the
322 course of such an investigation. The licensing authority shall
323 also be empowered to report the results of an investigation to
324 the commission through the data system.

325 (d) Any member state may investigate actual or alleged
326 violations of the scope of practice laws in any other member
327 state for a massage therapist who holds a multistate license.

328 (e) A remote state shall have the authority to:

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

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

334 (3) Issue subpoenas for both hearings and
335 investigations that require the attendance and testimony of
336 witnesses, as well as the production of evidence. Subpoenas



HB300 INTRODUCED

337 issued by a licensing authority in a member state for the
338 attendance and testimony of witnesses or the production of
339 evidence from another member state shall be enforced in the
340 latter state by any court of competent jurisdiction, according
341 to the practice and procedure of that court applicable to
342 subpoenas issued in proceedings before it. The issuing
343 licensing authority shall pay any witness fees, travel
344 expenses, mileage, and other fees required by the service
345 statutes of the state in which the witnesses or evidence are
346 located.

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

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

354 (f) If an adverse action is taken by the home state
355 against a licensee's multistate license or single-state
356 license to practice in the home state, the licensee's
357 authorization to practice in all other member states shall be
358 deactivated until all encumbrances have been removed from such
359 license. All home state disciplinary orders that impose an
360 adverse action against a licensee shall include a statement
361 that the massage therapist's authorization to practice is
362 deactivated in all member states during the pendency of the
363 order.

364 (g) If adverse action is taken by a remote state



HB300 INTRODUCED

365 against a licensee's authorization to practice, that adverse
366 action applies to all authorizations to practice in all remote
367 states. A licensee whose authorization to practice in a remote
368 state is removed for a specified period of time is not
369 eligible to apply for a new multistate license in any other
370 state until the specific time for removal of the authorization
371 to practice has passed and all encumbrance requirements are
372 satisfied.

373 (h) Nothing in this compact shall override a member
374 state's authority to accept a licensee's participation in an
375 alternative program in lieu of adverse action. A licensee's
376 multistate license shall be suspended for the duration of the
377 licensee's participation in any alternative program.

378 (i) Joint investigations.

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

383 (2) Member states shall share any investigative,
384 litigation, or compliance materials in furtherance of any
385 joint or individual investigation initiated under the compact.

386 §34-43-56. Active Military Members and Their Spouses.
387 Active military members, or their spouses, shall designate a
388 home state where the individual has a current license to
389 practice massage therapy in good standing. The individual may
390 retain his or her home state designation during any period of
391 service when that individual or his or her spouse is on active
392 duty assignment.



HB300 INTRODUCED

393 §34-43-57. Establishment and Operation of Interstate
394 Massage Compact Commission.

395 (a) The compact member states hereby create and
396 establish a joint governmental agency whose membership
397 consists of all member states that have enacted the compact
398 known as the Interstate Massage Compact Commission. The
399 commission is an instrumentality of the compact states acting
400 jointly and not an instrumentality of any one state. The
401 commission shall come into existence on or after the effective
402 date of the compact as set forth in Section 34-43-61.

403 (b) Membership, voting, and meetings.

404 (1) Each member state shall have and be limited to one
405 delegate selected by that member state's licensing authority.

406 (2) The delegate shall be the primary administrative
407 officer of the state licensing authority or their designee.

408 (3) The commission shall by rule or bylaw establish a
409 term of office for delegates and may by rule or bylaw
410 establish term limits.

411 (4) The commission may recommend removal or suspension
412 of any delegate from office.

413 (5) A member state's licensing authority shall fill any
414 vacancy of its delegate occurring on the commission within 60
415 days of the vacancy.

416 (6) Each delegate shall be entitled to one vote on all
417 matters that are voted on by the commission.

418 (7) The commission shall meet at least once during each
419 calendar year. Additional meetings may be held as set forth in
420 the bylaws. The commission may meet by telecommunication,



HB300 INTRODUCED

421 video conference, or other similar electronic means.

422 (c) The commission shall have the following powers:

423 (1) To establish the fiscal year of the commission.

424 (2) To establish code of conduct and conflict of
425 interest policies.

426 (3) To adopt rules and bylaws.

427 (4) To maintain its financial records in accordance
428 with the bylaws.

429 (5) To meet and take such actions as are consistent
430 with the provisions of this compact, the commission's rules,
431 and the bylaws.

432 (6) To initiate and conclude legal proceedings or
433 actions in the name of the commission, provided that the
434 standing of any state licensing authority to sue or be sued
435 under applicable law shall not be affected.

436 (7) To maintain and certify records and information
437 provided to a member state as the authenticated business
438 records of the commission, and designate an agent to do so on
439 the commission's behalf.

440 (8) To purchase and maintain insurance and bonds.

441 (9) To borrow, accept, or contract for services of
442 personnel, including, but not limited to, employees of a
443 member state.

444 (10) To conduct an annual financial review.

445 (11) To hire employees, elect or appoint officers, fix
446 compensation, define duties, grant such individuals
447 appropriate authority to carry out the purposes of the
448 compact, and establish the commission's personnel policies and



HB300 INTRODUCED

449 programs relating to conflicts of interest, qualifications of
450 personnel, and other related personnel matters.

451 (12) To assess and collect fees.

452 (13) To accept, receive, utilize, dispose of all
453 appropriate gifts, donations, grants of money, other sources
454 of revenue, equipment, supplies, materials, and services;
455 provided that at all times the commission shall avoid any
456 appearance of impropriety or conflict of interest.

457 (14) To lease, purchase, retain, own, hold, improve, or
458 use any property, real, personal, or mixed, or any undivided
459 interest in property.

460 (15) To sell, convey, mortgage, pledge, lease,
461 exchange, abandon, or otherwise dispose of any property, real,
462 personal, or mixed.

463 (16) To establish a budget and make expenditures.

464 (17) To borrow money.

465 (18) To appoint committees, including standing
466 committees, composed of members, state regulators, state
467 legislators, or their representatives, and consumer
468 representatives, and other interested persons as may be
469 designated in this compact and the bylaws.

470 (19) To accept and transmit complaints from the public,
471 regulatory or law enforcement agencies, or the commission, to
472 the relevant member state or states regarding potential
473 misconduct of licensees.

474 (20) To elect a chair, vice chair, secretary,
475 treasurer, and other officers of the commission as provided in
476 the commission's bylaws.



HB300 INTRODUCED

477 (21) To establish and elect an executive committee,
478 including a chair and a vice chair.

479 (22) To adopt and provide to the member states an
480 annual report.

481 (23) To determine whether a state's adopted language is
482 materially different from the model compact language such that
483 the state would not qualify for participation in the compact.

484 (24) To perform other functions as may be necessary or
485 appropriate to achieve the purposes of this compact.

486 (d) The executive committee.

487 (1) The executive committee shall have the power to act
488 on behalf of the commission according to the terms of this
489 compact. The powers, duties, and responsibilities of the
490 executive committee shall include:

491 a. Overseeing the day-to-day activities of the
492 administration of the compact, including compliance with the
493 provisions of the compact, the commission's rules and bylaws,
494 and other duties as deemed necessary.

495 b. Recommending to the commission changes to the rules
496 or bylaws, changes to this compact legislation, fees charged
497 to compact member states, fees charged to licensees, and other
498 fees.

499 c. Ensuring compact administration services are
500 appropriately provided, including by contract.

501 d. Preparing and recommending the budget.

502 e. Maintaining financial records on behalf of the
503 commission.

504 f. Monitoring compact compliance of member states and



HB300 INTRODUCED

505 providing compliance reports to the commission.

506 g. Establishing additional committees as necessary.

507 h. Exercising the powers and duties of the commission
508 during the interim between commission meetings, except for
509 adopting or amending rules, adopting or amending bylaws, and
510 exercising any other powers and duties expressly reserved to
511 the commission by rule or bylaw.

512 i. Other duties as provided in the rules or bylaws of
513 the commission.

514 (2) The executive committee shall be composed of seven
515 voting members and up to two ex officio members as follows:

516 a. The chair and vice chair of the commission and any
517 other members of the commission who serve on the executive
518 committee shall be voting members of the executive committee.

519 b. Other than the chair, vice chair, secretary, and
520 treasurer, the commission shall elect three voting members
521 from the current membership of the commission.

522 c. The commission may elect ex officio, nonvoting
523 members as necessary as follows:

524 1. One ex officio member who is a representative of the
525 National Association of State Massage Therapy Regulatory
526 Boards.

527 2. One ex officio member as specified in the
528 commission's bylaws.

529 (3) The commission may remove any member of the
530 executive committee as provided in the commission's bylaws.

531 (4) The executive committee shall meet at least
532 annually.



HB300 INTRODUCED

533 a. Executive committee meetings shall be open to the
534 public, except that the executive committee may meet in a
535 closed, nonpublic session of a public meeting when dealing
536 with any of the matters covered under subdivision (f)(4).

537 b. The executive committee shall give five business
538 days' advance notice of its public meetings, posted on its
539 website and as determined to provide notice to persons with an
540 interest in the public matters the executive committee intends
541 to address at those meetings.

542 (5) The executive committee may hold an emergency
543 meeting when acting for the commission to:

544 a. Meet an imminent threat to public health, safety, or
545 welfare.

546 b. Prevent a loss of commission or participating state
547 funds.

548 c. Protect public health and safety.

549 (e) The commission shall adopt and provide to the
550 member states an annual report.

551 (f) Meetings of the commission.

552 (1) All meetings of the commission that are not closed
553 pursuant to this subsection shall be open to the public.
554 Notice of public meetings shall be posted on the commission's
555 website at least 30 days prior to the public meeting.

556 (2) Notwithstanding subdivision (f)(1), the commission
557 may convene an emergency public meeting by providing at least
558 24 hours' prior notice on the commission's website, and any
559 other means as provided in the commission's rules, for any of
560 the reasons it may dispense with notice of proposed rulemaking



HB300 INTRODUCED

561 under Section 34-43-59(1). The commission's legal counsel
562 shall certify that one of the reasons justifying an emergency
563 public meeting has been met.

564 (3) Notice of all commission meetings shall provide the
565 time, date, and location of the meeting, and, if the meeting
566 is to be held or accessible via telecommunication, video
567 conference, or other electronic means, the notice shall
568 include the mechanism for access to the meeting.

569 (4) The commission may convene in a closed, nonpublic
570 meeting for the commission to discuss:

571 a. Noncompliance of a member state with its obligations
572 under the compact.

573 b. The employment, compensation, discipline, or other
574 matters, practices, or procedures related to specific
575 employees, or other matters related to the commission's
576 internal personnel practices and procedures.

577 c. Current or threatened discipline of a licensee by
578 the commission or by a member state's licensing authority.

579 d. Current, threatened, or reasonably anticipated
580 litigation.

581 e. Negotiation of contracts for the purchase, lease, or
582 sale of goods, services, or real estate.

583 f. Accusing any person of a crime or formally censuring
584 any person.

585 g. Trade secrets or commercial or financial information
586 that is privileged or confidential.

587 h. Information of a personal nature where disclosure
588 would constitute a clearly unwarranted invasion of personal



HB300 INTRODUCED

589 privacy.

590 i. Investigative records compiled for law enforcement
591 purposes.

592 j. Information related to any investigative reports
593 prepared by, or on behalf of, or for use of the commission or
594 other committee charged with responsibility of investigation
595 or determination of compliance issues pursuant to the compact.

596 k. Legal advice.

597 l. Matters specifically exempted from disclosure to the
598 public by federal or member state law.

599 m. Other matters as adopted by rule by the commission.

600 (5) If a meeting, or portion of a meeting, is closed,
601 the presiding officer shall state that the meeting will be
602 closed and reference each relevant exempting provision, and
603 each reference shall be recorded in the minutes.

604 (6) The commission shall keep minutes that fully and
605 clearly describe all matters discussed in a meeting and shall
606 provide a full and accurate summary of actions taken, and the
607 reasons for those actions, including a description of the
608 views expressed. All documents considered in connection with
609 an action shall be identified in the minutes. All minutes and
610 documents of a closed meeting shall remain under seal, subject
611 to release only by a majority vote of the commission or order
612 of a court of competent jurisdiction.

613 (g) Financing of the commission.

614 (1) The commission shall pay, or provide for the
615 payment of, the reasonable expenses of its establishment,
616 organization, and ongoing activities.



HB300 INTRODUCED

617 (2) The commission may accept any and all appropriate
618 sources of revenue, donations, and grants of money, equipment,
619 supplies, materials, and services.

620 (3) The commission may levy on and collect an annual
621 assessment from each member state and impose fees on licensees
622 of member states to whom it grants a multistate license to
623 cover the cost of the operations and activities of the
624 commission and its staff, which must be in a total amount
625 sufficient to cover its annual budget as approved each year
626 for which revenue is not provided by other sources. The
627 aggregate annual assessment amount for member states shall be
628 allocated based upon a formula that the commission shall adopt
629 by rule.

630 (4) The commission shall not incur obligations of any
631 kind prior to securing the funds adequate to meet them, nor
632 shall the commission pledge the credit of any member states,
633 except by and with the authority of the member state.

634 (5) The commission shall keep accurate accounts of all
635 receipts and disbursements. The receipts and disbursements of
636 the commission shall be subject to the financial review and
637 accounting procedures established under its bylaws. All
638 receipts and disbursements of funds handled by the commission
639 shall be subject to an annual financial review by a certified
640 or licensed public accountant, and the report of the financial
641 review shall be included in and become part of the annual
642 report of the commission.

643 (h) Qualified immunity, defense, and indemnification.

644 (1) The members, officers, executive director,



HB300 INTRODUCED

645 employees, and representatives of the commission shall be
646 immune from suit and liability, both personally and in their
647 official capacity, for any claim for damage to or loss of
648 property or personal injury or other civil liability caused by
649 or arising out of any actual or alleged act, error, or
650 omission that occurred, or that the individual against whom
651 the claim is made had a reasonable basis for believing
652 occurred within the scope of commission employment, duties, or
653 responsibilities; provided, that nothing in this subdivision
654 shall be construed to protect any individual from suit or
655 liability for any damage, loss, injury, or liability caused by
656 the intentional, willful, or wanton misconduct of that
657 individual. The procurement of insurance of any type by the
658 commission shall not in any way compromise or limit the
659 immunity granted hereunder.

660 (2) The commission shall defend any member, officer,
661 executive director, employee, and representative of the
662 commission in any civil action seeking to impose liability
663 arising out of any actual or alleged act, error, or omission
664 that occurred within the scope of commission employment,
665 duties, or responsibilities, or as determined by the
666 commission that the individual against whom the claim is made
667 had a reasonable basis for believing occurred within the scope
668 of commission employment, duties, or responsibilities;
669 provided, that nothing herein shall be construed to prohibit
670 that individual from retaining their own counsel at their own
671 expense; and provided further, that the actual or alleged act,
672 error, or omission did not result from that individual's



HB300 INTRODUCED

673 intentional, willful, or wanton misconduct.

674 (3) The commission shall indemnify and hold harmless
675 any member, officer, executive director, employee, or
676 representative of the commission for the amount of any
677 settlement or judgment obtained against that individual
678 arising out of any actual or alleged act, error, or omission
679 that occurred within the scope of commission employment,
680 duties, or responsibilities, or that such individual had a
681 reasonable basis for believing occurred within the scope of
682 commission employment, duties, or responsibilities; provided,
683 that the actual or alleged act, error, or omission did not
684 result from the intentional, willful, or wanton misconduct of
685 that individual.

686 (4) Nothing herein shall be construed as a limitation
687 on the liability of any licensee for professional malpractice
688 or misconduct, which shall be governed solely by any other
689 applicable state laws.

690 (5) Nothing in this compact shall be interpreted to
691 waive or otherwise abrogate a member state's immunity or
692 affirmative defense with respect to antitrust claims under the
693 Sherman Act, Clayton Act, or any other state or federal
694 antitrust or anticompetitive law or rule.

695 (6) Nothing in this compact shall be construed to be a
696 waiver of sovereign immunity by the member states or by the
697 commission.

698 §34-43-58. Data System.

699 (a) The commission shall provide for the development,
700 maintenance, operation, and utilization of a coordinated



HB300 INTRODUCED

701 database and reporting system.

702 (b) The commission shall assign each applicant for a
703 multistate license a unique identifier, as determined by the
704 rules of the commission.

705 (c) Notwithstanding any other provision of state law to
706 the contrary, a member state shall submit a uniform data set
707 to the data system on all individuals to whom this compact is
708 applicable as required by the rules of the commission,
709 including:

710 (1) Identifying information.

711 (2) Licensure data.

712 (3) Adverse actions against a license and information
713 related those actions.

714 (4) Nonconfidential information related to alternative
715 program participation, the beginning and ending dates of
716 participation, and other information related to participation.

717 (5) Any denial of application for licensure, and the
718 reasons for denial, excluding the reporting of any criminal
719 history record information where prohibited by law.

720 (6) The existence of investigative information.

721 (7) The existence or presence of current significant
722 investigative information.

723 (8) Other information that may facilitate the
724 administration of this compact, or the protection of the
725 public, as determined by the rules of the commission.

726 (d) The records and information provided to a member
727 state pursuant to this compact or through the data system,
728 when certified by the commission or its agent, shall



HB300 INTRODUCED

729 constitute the authenticated business records of the
730 commission, and shall be entitled to any associated hearsay
731 exception in any relevant judicial, quasi-judicial, or
732 administrative proceedings in a member state.

733 (e) The existence of current significant investigative
734 information and the existence of investigative information
735 pertaining to a licensee in any member state will only be
736 available to other member states.

737 (f) It is the responsibility of the member states to
738 report any adverse action against a licensee who holds a
739 multistate license and to monitor the database to determine
740 whether adverse action has been taken against such a licensee
741 or license applicant. Adverse action information pertaining to
742 a licensee or license applicant in any member state will be
743 available to any other member state.

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

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

752 §34-43-59. Rulemaking.

753 (a) The commission shall adopt reasonable rules in
754 order to effectively and efficiently implement and administer
755 the purposes and provisions of the compact. A rule shall be
756 invalid and have no force or effect only if a court of



HB300 INTRODUCED

757 competent jurisdiction holds that the rule is invalid because
758 the commission exercised its rulemaking authority in a manner
759 that is beyond the scope and purposes of the compact, or the
760 powers granted hereunder, or based upon another applicable
761 standard of review.

762 (b) The rules of the commission shall have the force of
763 law in each member state; provided, however, that where the
764 rules of the commission conflict with the laws of the member
765 state that establish the member state's scope of practice as
766 held by a court of competent jurisdiction, the rules of the
767 commission shall be ineffective in that state to the extent of
768 the conflict.

769 (c) The commission shall exercise its rulemaking powers
770 pursuant to the criteria set forth in this section and the
771 rules adopted thereunder. Rules shall become binding as of the
772 date specified by the commission for each rule.

773 (d) If a majority of the legislatures of the member
774 states rejects a rule, or portion of a rule, by enactment of a
775 statute or resolution in the same manner used to adopt the
776 compact within four years of the date of adoption of the rule,
777 then that rule shall have no further force and effect in any
778 member state or in any state applying to participate in the
779 compact.

780 (e) Rules shall be adopted at a regular or special
781 meeting of the commission.

782 (f) Prior to adoption of a proposed rule, the
783 commission shall hold a public hearing and allow individuals
784 to provide oral and written comments, data, facts, opinions,



HB300 INTRODUCED

785 and arguments.

786 (g) Prior to adoption of a proposed rule by the
787 commission, and at least 30 days in advance of the meeting at
788 which the commission will hold a public hearing on the
789 proposed rule, the commission shall provide a notice of
790 proposed rulemaking:

791 (1) On the website of the commission or other publicly
792 accessible platform.

793 (2) To persons who have requested notice of the
794 commission's notices of proposed rulemaking.

795 (3) In such other ways as the commission may specify by
796 rule.

797 (h) The notice of proposed rulemaking shall include:

798 (1) The time, date, and location of the public hearing
799 at which the commission will hear public comments on the
800 proposed rule and, if different, the time, date, and location
801 of the meeting where the commission will consider and vote on
802 the proposed rule.

803 (2) If the hearing is held via telecommunication, video
804 conference, or other electronic means, the commission shall
805 include the mechanism for access to the hearing in the notice
806 of proposed rulemaking.

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

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

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



HB300 INTRODUCED

813 (i) All hearings will be recorded. A copy of the
814 recording and all written comments and documents received by
815 the commission in response to the proposed rule shall be
816 available to the public.

817 (j) Nothing in this section shall be construed as
818 requiring a separate hearing on each rule. Rules may be
819 grouped for the convenience of the commission at hearings
820 required by this section.

821 (k) The commission, by majority vote of all
822 commissioners, shall take final action on the proposed rule
823 based on the rulemaking record.

824 (1) The commission may adopt changes to the proposed
825 rule provided the changes do not enlarge the original purpose
826 of the proposed rule.

827 (2) The commission shall provide an explanation of the
828 reasons for substantive changes made to the proposed rule as
829 well as reasons for substantive changes not made that were
830 recommended by commenters.

831 (3) The commission shall determine a reasonable
832 effective date for the rule. Except for an emergency as
833 provided in subsection (1), the effective date of the rule
834 shall be no sooner than 30 days after the commission issuing
835 the notice that it adopted or amended the rule.

836 (1) Upon determination that an emergency exists, the
837 commission may consider and adopt an emergency rule with
838 24-hours' notice, provided that the usual rulemaking
839 procedures provided in the compact and in this section shall
840 be retroactively applied to the rule as soon as reasonably



HB300 INTRODUCED

841 possible, in no event later than 90 days after the effective
842 date of the rule. For the purposes of this provision, an
843 emergency rule is one that must be adopted immediately to:

844 (1) Meet an imminent threat to public health, safety,
845 or welfare.

846 (2) Prevent a loss of commission or member state funds.

847 (3) Meet a deadline for the adoption of a rule that is
848 established by federal law or rule.

849 (4) Protect public health and safety.

850 (m) The commission or an authorized committee of the
851 commission may direct revisions to a previously adopted rule
852 for purposes of correcting typographical errors, errors in
853 format, errors in consistency, or grammatical errors. Public
854 notice of any revisions shall be posted on the website of the
855 commission. The revision shall be subject to challenge by any
856 person for a period of 30 days after posting. The revision may
857 be challenged only on grounds that the revision results in a
858 material change to a rule. A challenge shall be made in
859 writing and delivered to the commission prior to the end of
860 the notice period. If no challenge is made, the revision will
861 take effect without further action. If the revision is
862 challenged, the revision may not take effect without the
863 approval of the commission.

864 (n) No member state's rulemaking requirements shall
865 apply under this compact.

866 §34-43-60. Oversight, Dispute Resolution, and
867 Enforcement.

868 (a) Oversight.



HB300 INTRODUCED

869 (1) The executive and judicial branches of state
870 government in each member state shall enforce this compact and
871 take all actions necessary and appropriate to implement the
872 compact.

873 (2) Venue is proper and judicial proceedings by or
874 against the commission shall be brought solely and exclusively
875 in a court of competent jurisdiction where the principal
876 office of the commission is located. The commission may waive
877 venue and jurisdictional defenses to the extent it adopts or
878 consents to participate in alternative dispute resolution
879 proceedings. Nothing herein shall affect or limit the
880 selection or propriety of venue in any action against a
881 licensee for professional malpractice, misconduct, or any
882 similar matter.

883 (3) The commission shall be entitled to receive service
884 of process in any proceeding regarding the enforcement or
885 interpretation of the compact and shall have standing to
886 intervene in such a proceeding for all purposes. Failure to
887 provide the commission service of process shall render a
888 judgment or order void as to the commission, this compact, or
889 adopted rules.

890 (b) Default, technical assistance, and termination.

891 (1) If the commission determines that a member state
892 has defaulted in the performance of its obligations or
893 responsibilities under this compact or the adopted rules, the
894 commission shall provide written notice to the defaulting
895 state. The notice of default shall describe the default, the
896 proposed means of curing the default, and any other action



HB300 INTRODUCED

897 that the commission may take, and shall offer training and
898 specific technical assistance regarding the default.

899 (2) The commission shall provide a copy of the notice
900 of default to the other member states.

901 (c) If a state in default fails to cure the default,
902 the defaulting state may be terminated from the compact upon
903 an affirmative vote of a majority of the delegates of the
904 member states, and all rights, privileges, and benefits
905 conferred on that state by this compact may be terminated on
906 the effective date of termination. A cure of the default does
907 not relieve the offending state of obligations or liabilities
908 incurred during the period of default.

909 (d) Termination of membership in the compact shall be
910 imposed only after all other means of securing compliance have
911 been exhausted. Notice of intent to suspend or terminate shall
912 be given by the commission to the governor, the majority and
913 minority leaders of the defaulting state's legislature, the
914 defaulting state's licensing authority and each of the member
915 states' licensing authority.

916 (e) A state that has been terminated is responsible for
917 all assessments, obligations, and liabilities incurred through
918 the effective date of termination, including obligations that
919 extend beyond the effective date of termination.

920 (f) Upon the termination of a state's membership from
921 this compact, that state shall immediately provide notice to
922 all licensees who hold a multistate license within that state
923 of such termination. The terminated state shall continue to
924 recognize all licenses granted pursuant to this compact for a



HB300 INTRODUCED

925 minimum of 180 days after the date of the notice of
926 termination.

927 (g) The commission shall not bear any costs related to
928 a state that is found to be in default or that has been
929 terminated from the compact, unless agreed upon in writing
930 between the commission and the defaulting state.

931 (h) The defaulting state may appeal the action of the
932 commission by petitioning the United States District Court for
933 the District of Columbia or the federal district where the
934 commission has its principal offices. The prevailing party
935 shall be awarded all costs of such litigation, including
936 reasonable attorney fees.

937 (i) Dispute resolution.

938 (1) Upon request by a member state, the commission
939 shall attempt to resolve disputes related to the compact that
940 arise among member states and between member and non-member
941 states.

942 (2) The commission shall adopt a rule providing for
943 both mediation and binding dispute resolution for disputes as
944 appropriate.

945 (j) Enforcement.

946 (1) The commission, in the reasonable exercise of its
947 discretion, shall enforce the provisions of this compact and
948 the commission's rules.

949 (2) By majority vote as provided by commission rule,
950 the commission may initiate legal action against a member
951 state in default in the United States District Court for the
952 District of Columbia or the federal district where the



HB300 INTRODUCED

953 commission has its principal offices to enforce compliance
954 with the provisions of the compact and its adopted rules. The
955 relief sought may include both injunctive relief and damages.
956 In the event judicial enforcement is necessary, the prevailing
957 party shall be awarded all costs of litigation, including
958 reasonable attorney fees. The remedies herein shall not be the
959 exclusive remedies of the commission. The commission may
960 pursue any other remedies available under federal or the
961 defaulting member state's law.

962 (3) A member state may initiate legal action against
963 the commission in the United States District Court for the
964 District of Columbia or the federal district where the
965 commission has its principal offices to enforce compliance
966 with the provisions of the compact and its adopted rules. The
967 relief sought may include both injunctive relief and damages.
968 In the event judicial enforcement is necessary, the prevailing
969 party shall be awarded all costs of litigation, including
970 reasonable attorney fees.

971 (4) No individual or entity other than a member state
972 may enforce this compact against the commission.

973 §34-43-61. Effective Date, Withdrawal, and Amendment.

974 (a) The compact shall come into effect on the date on
975 which the compact statute is enacted into law in the seventh
976 member state.

977 (1) On or after the effective date of the compact, the
978 commission shall convene and review the enactment of each of
979 the charter member states to determine if the statute enacted
980 by each such charter member state is materially different than



HB300 INTRODUCED

981 the model compact statute.

982 a. A charter member state whose enactment is found to
983 be materially different from the model compact statute shall
984 be entitled to the default process set forth in Section
985 34-43-60.

986 b. If any member state is later found to be in default,
987 or is terminated or withdraws from the compact, the commission
988 shall remain in existence and the compact shall remain in
989 effect even if the number of member states should be less than
990 seven.

991 (2) Member states enacting the compact subsequent to
992 the charter member states shall be subject to the process set
993 forth in Section 34-43-57(c) (3) to determine if their
994 enactments are materially different from the model compact
995 statute and whether they qualify for participation in the
996 compact.

997 (3) All actions taken for the benefit of the commission
998 or in furtherance of the purposes of the administration of the
999 compact prior to the effective date of the compact or the
1000 commission coming into existence shall be considered to be
1001 actions of the commission unless specifically repudiated by
1002 the commission.

1003 (4) Any state that joins the compact shall be subject
1004 to the commission's rules and bylaws as they exist on the date
1005 on which the compact becomes law in that state. Any rule that
1006 has been previously adopted by the commission shall have the
1007 full force and effect of law on the day the compact becomes
1008 law in that state.



HB300 INTRODUCED

1009 (b) Any member state may withdraw from this compact by
1010 enacting a statute repealing that state's enactment of the
1011 compact.

1012 (1) A member state's withdrawal shall not take effect
1013 until 180 days after enactment of the repealing statute.

1014 (2) Withdrawal shall not affect the continuing
1015 requirement of the withdrawing state's licensing authority to
1016 comply with the investigative and adverse action reporting
1017 requirements of this compact prior to the effective date of
1018 withdrawal.

1019 (3) Upon the enactment of a statute in withdrawing from
1020 this compact, a state shall immediately provide notice of such
1021 withdrawal to all licensees within that state. Notwithstanding
1022 any subsequent statutory enactment to the contrary, such
1023 withdrawing state shall continue to recognize all licenses
1024 granted pursuant to this compact for a minimum of 180 days
1025 after the date of such notice of withdrawal.

1026 (c) Nothing contained in this compact shall be
1027 construed to invalidate or prevent any licensure agreement or
1028 other cooperative arrangement between a member state and a
1029 non-member state that does not conflict with the provisions of
1030 this compact.

1031 (d) This compact may be amended by the member states.
1032 No amendment to this compact shall become effective and
1033 binding upon any member state until it is enacted into the
1034 laws of all member states.

1035 §34-43-62. Construction and Severability.

1036 (a) This compact and the commission's rulemaking



HB300 INTRODUCED

1037 authority shall be liberally construed so as to effectuate the
1038 purposes, the implementation, and the administration of the
1039 compact. Provisions of the compact expressly authorizing or
1040 requiring the adoption of rules shall not be construed to
1041 limit the commission's rulemaking authority solely for those
1042 purposes.

1043 (b) This compact shall be severable and if any phrase,
1044 clause, sentence, or provision of this compact is held by a
1045 court of competent jurisdiction to be contrary to the
1046 constitution of any member state, a state seeking
1047 participation in the compact, or of the United States, or the
1048 applicability thereof to any government, agency, individual,
1049 or circumstance is held to be unconstitutional by a court of
1050 competent jurisdiction, the validity of the remainder of this
1051 compact and its applicability to any other government, agency,
1052 person, or circumstance shall not be affected thereby.

1053 (c) Notwithstanding subsection (b), the commission may
1054 deny a state's participation in the compact or, in accordance
1055 with the requirements of Section 34-43-60(b), terminate a
1056 member state's participation in the compact, if it determines
1057 that a constitutional requirement of a member state is a
1058 material departure from the compact. Otherwise, if this
1059 compact shall be held to be contrary to the constitution of
1060 any member state, the compact shall remain in full force and
1061 effect as to the remaining member states and in full force and
1062 effect as to the member state affected as to all severable
1063 matters.

1064 §34-43-63. Consistent Effect and Conflict With Other



HB300 INTRODUCED

1065 State Laws.

1066 (a) Nothing herein shall prevent or inhibit the
1067 enforcement of any other law of a member state that is not
1068 inconsistent with the compact.

1069 (b) Any laws, statutes, rules, or other legal
1070 requirements in a member state in conflict with the compact
1071 are superseded to the extent of the conflict.

1072 (c) All permissible agreements between the commission
1073 and the member states are binding in accordance with their
1074 terms.

1075 §34-43-64. Judicial Proceedings by Individuals.

1076 Except as to judicial proceedings for the enforcement
1077 of this compact among member states, individuals may pursue
1078 judicial proceedings related to this compact in any Alabama
1079 state or federal court that would otherwise have competent
1080 jurisdiction.

1081 Section 3. This act shall become effective on October
1082 1, 2024.