

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 280

Introduced by Blood, 3.

Read first time January 11, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to public health; to amend sections 38-1705,
2 38-1709, and 38-1710, Reissue Revised Statutes of Nebraska, and
3 sections 38-1707.01 and 38-1720, Revised Statutes Cumulative
4 Supplement, 2022; to adopt the Interstate Massage Compact; to change
5 provisions relating to licensure and examination under the Massage
6 Therapy Practice Act; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. INTERSTATE MESSAGE COMPACT

2 ARTICLE 1- PURPOSE

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

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

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

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

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

21 D. Encourage the cooperation of Member States in regulating the
22 multistate Practice of Massage Therapy;

23 E. Support relocating military members and their spouses;

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

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

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

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

1 and

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

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

6 ARTICLE 2- DEFINITIONS

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

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

13 B. "Adverse Action" - any administrative, civil, equitable, or
14 criminal action permitted by a Member State's laws which is imposed by a
15 Licensing Authority or other regulatory body against a Licensee,
16 including actions against an individual's Authorization to Practice such
17 as revocation, suspension, probation, surrender in lieu of discipline,
18 monitoring of the Licensee, limitation of the Licensee's practice, or any
19 other Encumbrance on licensure affecting an individual's ability to
20 practice Massage Therapy, including the issuance of a cease and desist
21 order.

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

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

29 E. "Background Check" - the submission of an applicant's criminal
30 history record information, as further defined in 28 C.F.R. § 20.3(d), as
31 amended, from the Federal Bureau of Investigation and the agency

1 responsible for retaining State criminal records in the applicant's Home
2 State.

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

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

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

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

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

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

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

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

31 N. "Home State" - means the Member State which is a Licensee's

1 primary state of residence where the Licensee holds an active Single-
2 State License.

3 O. "Investigative Information" - information, records, or documents
4 received or generated by a Licensing Authority pursuant to an
5 investigation or other inquiry.

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

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

12 R. "Massage Therapy", "Massage Therapy Services", and the "Practice
13 of Massage Therapy" - the care and services provided by a Licensee as set
14 forth in the Member State's statutes and regulations in the State where
15 the services are being provided.

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

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

21 U. "National Licensing Examination" - a national examination
22 developed by a national association of Massage Therapy regulatory boards,
23 as defined by Commission Rule, that is derived from a practice analysis
24 and is consistent with generally accepted psychometric principles of
25 fairness, validity, and reliability, and is administered under secure and
26 confidential examination protocols.

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

29 W. "Rule" - any opinion or regulation promulgated by the Commission
30 under this Compact, which shall have the force of law.

31 X. "Single-State License" - a current, valid authorization issued by

1 a Member State's Licensing Authority allowing an individual to fully
2 practice Massage Therapy, that is not a restricted, student, provisional,
3 temporary, or inactive practice authorization and authorizes practice
4 only within the issuing State.

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

7 ARTICLE 3- MEMBER STATE REQUIREMENTS

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

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

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

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

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

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

28 6. Have Continuing Competence requirements as a condition for
29 license renewal;

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

1 8. Notify the Commission and other Member States, in compliance with
2 the terms of the Compact and Rules of the Commission, of any disciplinary
3 action taken by the State against a Licensee practicing under a
4 Multistate License in that State, or of the existence of Investigative
5 Information or Current Significant Investigative Information regarding a
6 Licensee practicing in that State pursuant to a Multistate License;

7 9. Comply with the Rules of the Commission; and

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

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

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

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

20 ARTICLE 4- MULTISTATE LICENSE REQUIREMENTS

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

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

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

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

30 4. Submit to a Background Check;

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

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

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

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

17 a. Kidnapping;

18 b. Human trafficking;

19 c. Human smuggling;

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

21 e. Any other category of offense which the Commission may by Rule
22 designate;

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

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

29 10. Pay all required fees.

30 B. A Multistate License granted pursuant to this Compact may be
31 effective for a definite period of time concurrent with the renewal of

1 the Home State license.

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

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

8 ARTICLE 5- AUTHORITY OF INTERSTATE MASSAGE COMPACT COMMISSION AND
9 MEMBER STATE LICENSING AUTHORITIES

10 A. Nothing in this Compact, nor any Rule of the Commission, shall be
11 construed to limit, restrict, or in any way reduce the ability of a
12 Member State to enact and enforce laws, regulations, or other rules
13 related to the Practice of Massage Therapy in that State, where those
14 laws, regulations, or other rules are not inconsistent with the
15 provisions of this Compact.

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

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

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

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

1 ARTICLE 6- ADVERSE ACTIONS

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

5 B. A Home State may take Adverse Action on a Multistate License
6 based on the Investigative Information, Current Significant Investigative
7 Information, or Adverse Action of a Remote State.

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

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

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

18 1. Take Adverse Actions against a Licensee's Authorization to
19 Practice;

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

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

1 4. If otherwise permitted by State law, recover from the affected
2 Licensee the costs of investigations and disposition of cases resulting
3 from any Adverse Action taken against that Licensee; and

4 5. Take Adverse Action against the Licensee's Authorization to
5 Practice in that State based on the factual findings of another Member
6 State.

7 F. If an Adverse Action is taken by the Home State against a
8 Licensee's Multistate License or Single-State License to practice in the
9 Home State, the Licensee's Authorization to Practice in all other Member
10 States shall be deactivated until all Encumbrances have been removed from
11 such license. All Home State disciplinary orders that impose an Adverse
12 Action against a Licensee shall include a statement that the Massage
13 Therapist's Authorization to Practice is deactivated in all Member States
14 during the pendency of the order.

15 G. If Adverse Action is taken by a Remote State against a Licensee's
16 Authorization to Practice, that Adverse Action applies to all
17 Authorizations to Practice in all Remote States. A Licensee whose
18 Authorization to Practice in a Remote State is removed for a specified
19 period of time is not eligible to apply for a new Multistate License in
20 any other State until the specific time for removal of the Authorization
21 to Practice has passed and all encumbrance requirements are satisfied.

22 H. Nothing in this Compact shall override a Member State's authority
23 to accept a Licensee's participation in an Alternative Program in lieu of
24 Adverse Action. A Licensee's Multistate License shall be suspended for
25 the duration of the Licensee's participation in any Alternative Program.

26 I. Joint Investigations

27 1. In addition to the authority granted to a Member State by its
28 respective scope of practice laws or other applicable State law, a Member
29 State may participate with other Member States in joint investigations of
30 Licensees.

31 2. Member States shall share any investigative, litigation, or

1 compliance materials in furtherance of any joint or individual
2 investigation initiated under the Compact.

3 ARTICLE 7- ACTIVE DUTY MILITARY AND THEIR SPOUSES

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

9 ARTICLE 8- ESTABLISHMENT AND OPERATION OF INTERSTATE MASSAGE COMPACT
10 COMMISSION

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

18 B. Membership, Voting, and Meetings

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

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

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

25 4. The Commission may recommend removal or suspension of any
26 delegate from office.

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

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

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

5 C. The Commission shall have the following powers:

6 1. Establish the fiscal year of the Commission;

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

8 3. Adopt Rules and bylaws;

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

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

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

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

18 8. Purchase and maintain insurance and bonds;

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

21 10. Conduct an annual financial review;

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

27 12. Assess and collect fees;

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

1 conflict of interest;

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

4 15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or
5 otherwise dispose of any property real, personal, or mixed;

6 16. Establish a budget and make expenditures;

7 17. Borrow money;

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

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

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

17 21. Establish and elect an Executive Committee, including a chair
18 and a vice chair;

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

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

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

25 D. The Executive Committee

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

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

1 b. Recommending to the Commission changes to the Rules or bylaws,
2 changes to this Compact legislation, fees charged to Compact Member
3 States, fees charged to Licensees, and other fees;

4 c. Ensuring Compact administration services are appropriately
5 provided, including by contract;

6 d. Preparing and recommending the budget;

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

8 f. Monitoring Compact compliance of Member States and providing
9 compliance reports to the Commission;

10 g. Establishing additional committees as necessary;

11 h. Exercising the powers and duties of the Commission during the
12 interim between Commission meetings, except for adopting or amending
13 Rules, adopting or amending bylaws, and exercising any other powers and
14 duties expressly reserved to the Commission by Rule or bylaw; and

15 i. Other duties as provided in the Rules or bylaws of the
16 Commission.

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

19 a. The chair and vice chair of the Commission and any other members
20 of the Commission who serve on the Executive Committee shall be voting
21 members of the Executive Committee; and

22 b. Other than the chair, vice chair, secretary, and treasurer, the
23 Commission shall elect three voting members from the current membership
24 of the Commission.

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

27 i. One ex-officio member who is a representative of the national
28 association of State Massage Therapy regulatory boards; and

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

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

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

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

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

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

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

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

14 c. Protect public health and safety.

15 E. The Commission shall adopt and provide to the Member States an
16 annual report.

17 F. Meetings of the Commission

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

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

29 3. Notice of all Commission meetings shall provide the time, date,
30 and location of the meeting, and if the meeting is to be held or
31 accessible via telecommunication, video conference, or other electronic

1 means, the notice shall include the mechanism for access to the meeting.

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

4 a. Noncompliance of a Member State with its obligations under the
5 Compact;

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

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

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

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

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

15 g. Trade secrets or commercial or financial information that is
16 privileged or confidential;

17 h. Information of a personal nature where disclosure would
18 constitute a clearly unwarranted invasion of personal privacy;

19 i. Investigative records compiled for law enforcement purposes;

20 j. Information related to any investigative reports prepared by or
21 on behalf of or for use of the Commission or other committee charged with
22 responsibility of investigation or determination of compliance issues
23 pursuant to the Compact;

24 k. Legal advice;

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

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

28 5. If a meeting, or portion of a meeting, is closed, the presiding
29 officer shall state that the meeting will be closed and reference each
30 relevant exempting provision, and such reference shall be recorded in the
31 minutes.

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

9 G. Financing of the Commission

10 1. The Commission shall pay, or provide for the payment of, the
11 reasonable expenses of its establishment, organization, and ongoing
12 activities.

13 2. The Commission may accept any and all appropriate sources of
14 revenue, donations, and grants of money, equipment, supplies, materials,
15 and services.

16 3. The Commission may levy on and collect an annual assessment from
17 each Member State and impose fees on Licensees of Member States to whom
18 it grants a Multistate License to cover the cost of the operations and
19 activities of the Commission and its staff, which must be in a total
20 amount sufficient to cover its annual budget as approved each year for
21 which revenue is not provided by other sources. The aggregate annual
22 assessment amount for Member States shall be allocated based upon a
23 formula that the Commission shall promulgate by Rule.

24 4. The Commission shall not incur obligations of any kind prior to
25 securing the funds adequate to meet the same; nor shall the Commission
26 pledge the credit of any Member States, except by and with the authority
27 of the Member State.

28 5. The Commission shall keep accurate accounts of all receipts and
29 disbursements. The receipts and disbursements of the Commission shall be
30 subject to the financial review and accounting procedures established
31 under its bylaws. All receipts and disbursements of funds handled by the

1 Commission shall be subject to an annual financial review by a certified
2 or licensed public accountant, and the report of the financial review
3 shall be included in and become part of the annual report of the
4 Commission.

5 H. Qualified Immunity, Defense, and Indemnification

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

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

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

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

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

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

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

20 ARTICLE 9- DATA SYSTEM

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

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

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

31 1. Identifying information;

1 2. Licensure data;

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

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

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

10 6. The existence of Investigative Information;

11 7. The existence of Current Significant Investigative Information;
12 and

13 8. Other information that may facilitate the administration of this
14 Compact or the protection of the public, as determined by the Rules of
15 the Commission.

16 D. The records and information provided to a Member State pursuant
17 to this Compact or through the Data System, when certified by the
18 Commission or an agent thereof, shall constitute the authenticated
19 business records of the Commission, and shall be entitled to any
20 associated hearsay exception in any relevant judicial, quasi-judicial, or
21 administrative proceedings in a Member State.

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

25 F. It is the responsibility of the Member States to report any
26 Adverse Action against a Licensee who holds a Multistate License and to
27 monitor the database to determine whether Adverse Action has been taken
28 against such a Licensee or License applicant. Adverse Action information
29 pertaining to a Licensee or License applicant in any Member State will be
30 available to any other Member State.

31 G. Member States contributing information to the Data System may

1 designate information that may not be shared with the public without the
2 express permission of the contributing State.

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

6 ARTICLE 10- RULEMAKING

7 A. The Commission shall promulgate reasonable Rules in order to
8 effectively and efficiently implement and administer the purposes and
9 provisions of the Compact. A Rule shall be invalid and have no force or
10 effect only if a court of competent jurisdiction holds that the Rule is
11 invalid because the Commission exercised its rulemaking authority in a
12 manner that is beyond the scope and purposes of the Compact, or the
13 powers granted hereunder, or based upon another applicable standard of
14 review.

15 B. The Rules of the Commission shall have the force of law in each
16 Member State, provided however that where the Rules of the Commission
17 conflict with the laws of the Member State that establish the Member
18 State's scope of practice as held by a court of competent jurisdiction,
19 the Rules of the Commission shall be ineffective in that State to the
20 extent of the conflict.

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

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

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

1 Commission.

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

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

9 1. On the website of the Commission or other publicly accessible
10 platform;

11 2. To persons who have requested notice of the Commission's notices
12 of proposed rulemaking; and

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

14 H. The Notice of Proposed Rulemaking shall include:

15 1. The time, date, and location of the public hearing at which the
16 Commission will hear public comments on the proposed Rule and, if
17 different, the time, date, and location of the meeting where the
18 Commission will consider and vote on the proposed Rule;

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

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

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

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

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

30 J. Nothing in this article shall be construed as requiring a
31 separate hearing on each Rule. Rules may be grouped for the convenience

1 of the Commission at hearings required by this article.

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

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

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

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

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

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

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

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

24 4. Protect public health and safety.

25 M. The Commission or an authorized committee of the Commission may
26 direct revisions to a previously adopted Rule for purposes of correcting
27 typographical errors, errors in format, errors in consistency, or
28 grammatical errors. Public notice of any revisions shall be posted on the
29 website of the Commission. The revision shall be subject to challenge by
30 any person for a period of thirty (30) days after posting. The revision
31 may be challenged only on grounds that the revision results in a material

1 change to a Rule. A challenge shall be made in writing and delivered to
2 the Commission prior to the end of the notice period. If no challenge is
3 made, the revision will take effect without further action. If the
4 revision is challenged, the revision may not take effect without the
5 approval of the Commission.

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

8 ARTICLE 11- OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

9 A. Oversight

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

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

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

27 B. Default, Technical Assistance, and Termination

28 1. If the Commission determines that a Member State has defaulted in
29 the performance of its obligations or responsibilities under this Compact
30 or the promulgated Rules, the Commission shall provide written notice to
31 the defaulting State. The notice of default shall describe the default,

1 the proposed means of curing the default, and any other action that the
2 Commission may take, and shall offer training and specific technical
3 assistance regarding the default.

4 2. The Commission shall provide a copy of the notice of default to
5 the other Member States.

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

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

19 E. A State that has been terminated is responsible for all
20 assessments, obligations, and liabilities incurred through the effective
21 date of termination, including obligations that extend beyond the
22 effective date of termination.

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

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

1 State.

2 H. The defaulting State may appeal the action of the Commission by
3 petitioning the United States District Court for the District of Columbia
4 or the federal district where the Commission has its principal offices.
5 The prevailing party shall be awarded all costs of such litigation,
6 including reasonable attorney's fees.

7 I. Dispute Resolution

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

11 2. The Commission shall promulgate a Rule providing for both
12 mediation and binding dispute resolution for disputes as appropriate.

13 J. Enforcement

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

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

27 3. A Member State may initiate legal action against the Commission
28 in the United States District Court for the District of Columbia or the
29 federal district where the Commission has its principal offices to
30 enforce compliance with the provisions of the Compact and its promulgated
31 Rules. The relief sought may include both injunctive relief and damages.

1 In the event judicial enforcement is necessary, the prevailing party
2 shall be awarded all costs of such litigation, including reasonable
3 attorney's fees.

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

6 ARTICLE 12- EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

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

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

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

16 b. If any Member State is later found to be in default, or is
17 terminated or withdraws from the Compact, the Commission shall remain in
18 existence and the Compact shall remain in effect even if the number of
19 Member States should be less than seven (7).

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

25 3. All actions taken for the benefit of the Commission or in
26 furtherance of the purposes of the administration of the Compact prior to
27 the effective date of the Compact or the Commission coming into existence
28 shall be considered to be actions of the Commission unless specifically
29 repudiated by the Commission.

30 4. Any State that joins the Compact shall be subject to the
31 Commission's Rules and bylaws as they exist on the date on which the

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

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

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

8 2. Withdrawal shall not affect the continuing requirement of the
9 withdrawing State's Licensing Authority to comply with the investigative
10 and Adverse Action reporting requirements of this Compact prior to the
11 effective date of withdrawal.

12 3. Upon the enactment of a statute withdrawing from this Compact, a
13 State shall immediately provide notice of such withdrawal to all
14 Licensees within that State. Notwithstanding any subsequent statutory
15 enactment to the contrary, such withdrawing State shall continue to
16 recognize all licenses granted pursuant to this Compact for a minimum of
17 one hundred eighty (180) days after the date of such notice of
18 withdrawal.

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

23 D. This Compact may be amended by the Member States. No amendment to
24 this Compact shall become effective and binding upon any Member State
25 until it is enacted into the laws of all Member States.

26 ARTICLE 13- CONSTRUCTION AND SEVERABILITY

27 A. This Compact and the Commission's rulemaking authority shall be
28 liberally construed so as to effectuate the purposes, and the
29 implementation and administration of the Compact. Provisions of the
30 Compact expressly authorizing or requiring the promulgation of Rules
31 shall not be construed to limit the Commission's rulemaking authority

1 solely for those purposes.

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

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

20 ARTICLE 14- CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

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

23 Any laws, statutes, regulations, or other legal requirements in a
24 Member State in conflict with the Compact are superseded to the extent of
25 the conflict.

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

28 Sec. 2. Section 38-1705, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-1705 Massage therapist means a person licensed to practice
31 massage therapy or who holds an authorization to practice under the

1 Interstate Massage Compact.

2 Sec. 3. Section 38-1707.01, Revised Statutes Cumulative Supplement,
3 2022, is amended to read:

4 38-1707.01 Mobile massage therapy establishment means a self-
5 contained, self-supporting, enclosed mobile unit licensed under the
6 Massage Therapy Practice Act as a mobile site for the performance of the
7 practices of massage therapy by persons licensed under the act or holding
8 authorizations to practice under the Interstate Massage Compact.

9 Sec. 4. Section 38-1709, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-1709 (1) No person shall engage in the practice of massage
12 therapy unless he or she obtains a license from the department for that
13 purpose or holds an authorization to practice under the Interstate
14 Massage Compact.

15 (2) No person shall engage in ~~or~~ the operation of a massage therapy
16 school or establishment unless he or she obtains a license from the
17 department for that purpose.

18 Sec. 5. Section 38-1710, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 38-1710 (1) Every applicant for an initial license to practice
21 massage therapy shall (a) ~~(1)~~ present satisfactory evidence that he or
22 she has attained the age of nineteen years, (b) ~~(2)~~ present proof of
23 graduation from an approved massage therapy school, and (c) ~~(3)~~ pass an
24 examination prescribed by the board.

25 (2) When the Interstate Massage Compact is effective according to
26 its terms, the board shall accept passage of a national licensing exam as
27 provided in Article 3.A.3 of the compact for purposes of subdivision (1)
28 (c) of this section.

29 Sec. 6. Section 38-1720, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 38-1720 In order to maintain its license in good standing, each

1 mobile massage therapy establishment shall operate in accordance with the
2 following requirements:

3 (1) The establishment shall at all times comply with all applicable
4 provisions of the Massage Therapy Practice Act and all rules and
5 regulations adopted and promulgated under the act;

6 (2) The establishment owner or his or her agent shall notify the
7 department of any change of ownership, name, or office address and if an
8 establishment is permanently closed;

9 (3) No establishment shall permit any ~~unlicensed~~ person not holding
10 a license under the act or an authorization to practice under the
11 Interstate Massage Compact to perform any of the practices of massage
12 therapy within its confines or employment;

13 (4) The establishment shall display a name upon, over, or near the
14 entrance door distinguishing it as a mobile massage therapy
15 establishment;

16 (5) The establishment shall permit any duly authorized agent of the
17 department to conduct an operation inspection or investigation at any
18 time during the normal operating hours of the establishment, without
19 prior notice, and the owner and manager shall assist the inspector by
20 providing access to all areas of the establishment, all personnel, and
21 all records requested by the inspector;

22 (6) The establishment shall display in a conspicuous place the
23 following records:

24 (a) The current license or certificate of consideration to operate
25 an establishment;

26 (b) ~~For each person The current licenses of all persons licensed~~
27 ~~under the act who are employed by or working in the establishment, such~~
28 person's current license under the act or current authorization to
29 practice under the Interstate Massage Compact; and

30 (c) The rating sheet from the most recent operation inspection;

31 (7) At no time shall an establishment employ more employees than

1 permitted by the square footage requirements of the Massage Therapy
2 Practice Act;

3 (8) No massage therapy services may be performed in an establishment
4 while the establishment is moving. The establishment must be safely and
5 legally parked in a legal parking space at all times while clients are
6 present inside the establishment. An establishment shall not park or
7 conduct business within three hundred feet of another brick and mortar
8 licensed massage therapy establishment. The department is not responsible
9 for monitoring for enforcement of this subdivision but may discipline a
10 license for a reported and verified violation;

11 (9) The owner of the establishment shall maintain a permanent
12 business address at which correspondence from the department may be
13 received and records of appointments, license numbers, and vehicle
14 identification numbers shall be kept for each establishment being
15 operated by the owner. The owner shall make such records available for
16 verification and inspection by the department; and

17 (10) The establishment shall not knowingly permit its employees or
18 clients to use, consume, serve, or in any manner possess or distribute
19 intoxicating beverages or controlled substances upon its premises.

20 Sec. 7. Original sections 38-1705, 38-1709, and 38-1710, Reissue
21 Revised Statutes of Nebraska, and sections 38-1707.01 and 38-1720,
22 Revised Statutes Cumulative Supplement, 2022, are repealed.