

HOUSE BILL 412

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE
EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE
COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
cited as the "Emergency Medical Services Personnel Licensure
Interstate Compact".

SECTION 2. [NEW MATERIAL] PURPOSE.--In order to protect
the public through verification of competency and ensure
accountability for patient-care-related activities, all states
license emergency medical services personnel, such as emergency
medical technicians, advanced emergency medical technicians and
paramedics. This compact is intended to facilitate the day-to-
day movement of emergency medical services personnel across

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1 state boundaries in the performance of their emergency medical
2 services duties as assigned by an appropriate authority and
3 authorize state emergency medical services offices to afford
4 immediate legal recognition to emergency medical services
5 personnel licensed in a member state. This compact recognizes
6 that states have a vested interest in protecting the public's
7 health and safety through their licensing and regulation of
8 emergency medical services personnel and that the state
9 regulation shared among the member states will best protect
10 public health and safety. This compact is designed to:

- 11 A. increase public access to emergency medical
12 services personnel;
- 13 B. enhance the states' ability to protect the
14 public's health and safety, especially patient safety;
- 15 C. encourage the cooperation of member states in
16 the areas of emergency medical services personnel licensure and
17 regulation;
- 18 D. support the licensing of military members who
19 are separating from an active duty tour and their spouses;
- 20 E. facilitate the exchange of information between
21 member states regarding emergency medical services personnel
22 licensure, adverse action and significant investigatory
23 information;
- 24 F. promote compliance with the laws governing
25 emergency medical services personnel practice in each member

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1 state; and

2 G. invest all member states with the authority to
3 hold emergency medical services personnel accountable through
4 the mutual recognition of member state licenses.

5 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the
6 Emergency Medical Services Personnel Interstate Licensure
7 Compact:

8 A. "advanced emergency medical technician" means an
9 individual licensed with cognitive knowledge and a scope of
10 practice that corresponds to that level in the national
11 emergency medical services education standards and the national
12 emergency medical services scope of practice model;

13 B. "adverse action" means any administrative,
14 civil, equitable or criminal action permitted by a state's laws
15 that may be imposed against licensed emergency medical services
16 personnel by a state emergency medical services authority or
17 state court, including actions against an individual's license,
18 such as revocation, suspension, probation, consent agreement,
19 monitoring or other limitation or encumbrance on the
20 individual's practice, letters of reprimand or admonition,
21 fines, criminal convictions and state court judgments enforcing
22 adverse actions by the state emergency medical services
23 authority;

24 C. "alternative program" means a voluntary,
25 non-disciplinary substance abuse recovery program approved by a

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1 state emergency medical services authority;

2 D. "certification" means the successful
3 verification of entry-level cognitive and psychomotor
4 competency using a reliable, validated and legally defensible
5 examination;

6 E. "commission" means the interstate commission for
7 emergency medical services personnel practice;

8 F. "compact" means the Emergency Medical Services
9 Personnel Licensure Interstate Compact;

10 G. "emergency medical technician" means an
11 individual licensed with cognitive knowledge and a scope of
12 practice that corresponds to that level in the national
13 emergency medical services education standards and the national
14 emergency medical services scope of practice model;

15 H. "home state" means a member state where an
16 individual is licensed to practice emergency medical services;

17 I. "license" means the authorization by a state for
18 an individual to practice as an emergency medical technician,
19 advanced emergency medical technician, paramedic or a level in
20 between emergency medical technician and paramedic;

21 J. "medical director" means a physician licensed in
22 a member state who is accountable for the care delivered by
23 emergency medical services personnel;

24 K. "member state" means a state that has enacted
25 this compact;

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1 L. "privilege to practice" means an individual's
2 authority to deliver emergency medical services in remote
3 states as authorized under this compact;

4 M. "paramedic" means an individual licensed with
5 cognitive knowledge and a scope of practice that corresponds to
6 that level in the national emergency medical services education
7 standards and the national emergency medical services scope of
8 practice model;

9 N. "remote state" means a member state in which an
10 individual is not licensed;

11 O. "restricted" means the outcome of an adverse
12 action that limits a license or the privilege to practice;

13 P. "rule" means a written statement by the
14 commission promulgated pursuant to Section 13 of this compact
15 that is of general applicability; implements, interprets or
16 prescribes a policy or provision of this compact; or is an
17 organizational, procedural or practice requirement of the
18 commission and has the force and effect of statutory law in a
19 member state and includes the amendment, repeal or suspension
20 of an existing rule;

21 Q. "scope of practice" means defined parameters of
22 various duties or services that may be provided by an
23 individual with specific credentials. Whether regulated by
24 rule, statute or court decision, "scope of practice" represents
25 the limits of services an individual may perform;

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1 R. "significant investigatory information" means
2 investigative information that:

3 (1) a state emergency medical services
4 authority, after a preliminary inquiry that includes
5 notification and an opportunity to respond if required by state
6 law, has reason to believe, if proved true, would result in the
7 imposition of an adverse action on a license or privilege to
8 practice; or

9 (2) indicates that the individual represents
10 an immediate threat to public health and safety, regardless of
11 whether the individual has been notified and had an opportunity
12 to respond;

13 S. "state" means any state, commonwealth, district
14 or territory of the United States; and

15 T. "state emergency medical services authority"
16 means the board, office or other agency with the legislative
17 mandate to license emergency medical services personnel.

18 SECTION 4. [NEW MATERIAL] HOME STATE LICENSURE.--

19 A. Any member state in which an individual holds a
20 current license shall be deemed a home state for purposes of
21 this compact.

22 B. Any member state may require an individual to
23 obtain and retain a license to be authorized to practice in the
24 member state under circumstances not authorized by the
25 privilege to practice under the terms of this compact.

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1 C. A home state's license authorizes an individual
2 to practice in a remote state under the privilege to practice
3 only if the home state:

4 (1) requires the use of the national registry
5 of emergency medical technicians examination as a condition of
6 issuing initial licenses at the emergency medical technician
7 and paramedic levels;

8 (2) has a mechanism in place for receiving and
9 investigating complaints about individuals;

10 (3) notifies the commission, in compliance
11 with the terms of this compact, of any adverse action or
12 significant investigatory information regarding an individual;

13 (4) no later than five years after activation
14 of this compact, requires a criminal background check of all
15 applicants for initial licensure, including the use of the
16 results of fingerprint or other biometric data checks compliant
17 with the requirements of the federal bureau of investigation
18 with the exception of federal employees who have suitability
19 determination in accordance with the Code of Federal
20 Regulations and submit documentation of such as promulgated in
21 the rules of the commission; and

22 (5) complies with the rules of the commission.

23 SECTION 5. [NEW MATERIAL] COMPACT PRIVILEGE TO
24 PRACTICE.--

25 A. Member states shall recognize the privilege to

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1 practice of an individual licensed in another member state that
2 is in conformance with Section 4 of the Emergency Medical
3 Services Personnel Licensure Compact.

4 B. To exercise the privilege to practice under the
5 terms and provisions of this compact, an individual shall:

6 (1) be at least eighteen years of age;

7 (2) possess a current unrestricted license in
8 a member state as an emergency medical technician, an advanced
9 emergency medical technician or a paramedic or be at a state-
10 recognized and -licensed level with a scope of practice and
11 authority between emergency medical technician and paramedic;
12 and

13 (3) practice under the supervision of a
14 medical director.

15 C. An individual providing patient care in a remote
16 state under the privilege to practice shall function within the
17 scope of practice authorized by the home state unless and until
18 modified by an appropriate authority in the remote state, as
19 may be defined in the rules of the commission.

20 D. Except as provided in Subsection C of this
21 section, an individual practicing in a remote state shall be
22 subject to the remote state's authority and laws. A remote
23 state may, in accordance with due process and that state's
24 laws, restrict, suspend or revoke an individual's privilege to
25 practice in the remote state and may take any other necessary

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1 actions to protect the health and safety of its residents. If
2 a remote state takes such action, it shall promptly notify the
3 home state and the commission.

4 E. If an individual's license in any home state is
5 restricted or suspended, the individual shall not be eligible
6 to practice in a remote state under the privilege to practice
7 until the individual's home state license is restored.

8 F. If an individual's privilege to practice in any
9 remote state is restricted, suspended or revoked, the
10 individual shall not be eligible to practice in any remote
11 state until the individual's privilege to practice is restored.

12 SECTION 6. ~~[NEW MATERIAL]~~ CONDITIONS OF PRACTICE IN A
13 REMOTE STATE.--An individual may practice in a remote state
14 under a privilege to practice only in the performance of the
15 individual's emergency medical services duties as assigned by
16 an appropriate authority, as defined in the rules of the
17 commission, and under the following circumstances:

18 A. the individual originates a patient transport in
19 a home state and transports the patient to a remote state;

20 B. the individual originates in the home state and
21 enters a remote state to pick up a patient and provide care and
22 transport of the patient to the home state;

23 C. the individual enters a remote state to provide
24 patient care or transport within that remote state;

25 D. the individual enters a remote state to pick up

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1 a patient and provide care and transport to a third member
2 state; and

3 E. other conditions as determined by rules
4 promulgated by the commission.

5 SECTION 7. [NEW MATERIAL] RELATIONSHIP TO EMERGENCY
6 MANAGEMENT ASSISTANCE COMPACT.--Upon a member state's
7 governor's declaration of a state of emergency or disaster that
8 activates the Emergency Management Assistance Compact, all
9 relevant terms and provisions of the Emergency Management
10 Assistance Compact shall apply, and to the extent any terms or
11 provisions of this compact conflict with the Emergency
12 Management Assistance Compact, the terms of the Emergency
13 Management Assistance Compact shall prevail with respect to any
14 individual practicing in the remote state in response to such
15 declaration.

16 SECTION 8. [NEW MATERIAL] VETERANS, SERVICE MEMBERS
17 SEPARATING FROM ACTIVE DUTY MILITARY AND THEIR SPOUSES.--

18 A. Member states shall consider a veteran, an
19 active military service member or a member of the national
20 guard and reserves separating from an active duty tour, and a
21 spouse thereof, who holds a current valid and unrestricted
22 national registry of emergency medical technicians
23 certification at or above the level of the state license being
24 sought as satisfying the minimum training and examination
25 requirements for the licensure.

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1 B. Member states shall expedite the processing of
2 licensure applications submitted by veterans, active military
3 service members and members of the national guard and reserves
4 that are separating from an active duty tour and their spouses.

5 C. All individuals functioning with a privilege to
6 practice under this section remain subject to the adverse
7 actions provisions of Section 9 of the Emergency Medical
8 Services Personnel Licensure Compact.

9 **SECTION 9. [NEW MATERIAL] ADVERSE ACTIONS.--**

10 A. A home state has exclusive power to impose
11 adverse action against an individual's license issued by the
12 home state.

13 B. If an individual's license in any home state is
14 restricted or suspended, the individual shall not be eligible
15 to practice in a remote state under the privilege to practice
16 until the individual's home state license is restored. The:

17 (1) adverse action orders issued by a home
18 state's emergency medical services authority shall include a
19 statement that the individual's compact privileges are
20 inactive. An order may allow the individual to practice in
21 remote states with prior written authorization from both the
22 home state and remote state's state emergency medical services
23 authority; and

24 (2) individual subject to adverse action in
25 the home state shall not practice in any remote state without

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1 prior written authorization from both the home state's and
2 remote state's state emergency medical services authority.

3 C. A member state shall report adverse actions and
4 any occurrences that the individual's compact privileges are
5 restricted, suspended or revoked to the commission in
6 accordance with the rules of the commission.

7 D. A remote state may take adverse action on an
8 individual's privilege to practice in that state.

9 E. Any member state may take adverse action against
10 an individual's privilege to practice in that state based on
11 the factual findings of another member state, so long as each
12 state follows its own procedures for imposing such adverse
13 action.

14 F. A home state's state emergency medical services
15 authority shall investigate and take appropriate action with
16 respect to reported conduct in a remote state as it would if
17 such conduct had occurred in the home state. In such cases,
18 the home state's law shall control in determining the
19 appropriate adverse action.

20 G. Nothing in this compact shall override a member
21 state's decision that participation in an alternative program
22 may be used in lieu of adverse action and that such
23 participation shall remain nonpublic if required by the member
24 state's laws. Member states shall require individuals who
25 enter any alternative programs to agree not to practice in any

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1 other member state during the term of the alternative program
2 without prior authorization from the other member state.

3 SECTION 10. [NEW MATERIAL] ADDITIONAL POWERS INVESTED IN
4 A MEMBER STATE'S STATE EMERGENCY MEDICAL SERVICES AUTHORITY.--A
5 member state's state emergency medical services authority, in
6 addition to any other powers granted under state law, is
7 authorized under this compact to issue:

8 A. subpoenas for both hearings and investigations
9 that require the attendance and testimony of witnesses and the
10 production of evidence. Subpoenas issued by a member state's
11 state emergency medical services authority for the attendance
12 and testimony of witnesses, or the production of evidence from
13 another member state, shall be enforced in the remote state by
14 any court of competent jurisdiction, according to that court's
15 practice and procedure in considering subpoenas issued in its
16 own proceedings. The issuing state emergency medical services
17 authority shall pay any witness fees, travel expenses, mileage
18 and other fees required by the service statutes of the state
19 where the witnesses or evidence are located; and

20 B. cease-and-desist orders to restrict, suspend or
21 revoke an individual's privilege to practice in the state.

22 SECTION 11. [NEW MATERIAL] ESTABLISHMENT OF THE
23 INTERSTATE COMMISSION FOR EMERGENCY MEDICAL SERVICES PERSONNEL
24 PRACTICE.--

25 A. The member states hereby create and establish a

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1 joint public agency known as the "interstate commission for
2 emergency medical services personnel practice". The commission
3 is a body politic and an instrumentality of the member states.
4 Venue is proper, and judicial proceedings by or against the
5 commission shall be brought solely and exclusively in a court
6 of competent jurisdiction where the principal office of the
7 commission is located. The commission may waive venue and
8 jurisdictional defenses to the extent it adopts or consents to
9 participate in alternative dispute resolution proceedings.
10 Nothing in this compact shall be construed to be a waiver of
11 sovereign immunity.

12 B. Membership, voting and meetings of the
13 commission shall proceed as follows:

14 (1) each member state shall have and be
15 limited to one delegate. The responsible official of the state
16 emergency medical services authority or the official's designee
17 shall be the delegate to this compact for each member state.
18 Any delegate may be removed or suspended from office as
19 provided by the law of the state from which the delegate is
20 appointed. Any vacancy occurring in the commission shall be
21 filled in accordance with the laws of the member state in which
22 the vacancy exists. In the event that more than one board,
23 office or other agency with the legislative mandate to license
24 emergency medical services personnel at and above the level of
25 emergency medical technician exists, the governor of the state

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1 shall determine which entity shall be responsible for assigning
2 the delegate;

3 (2) each delegate shall be entitled to one
4 vote with regard to the promulgation of rules and creation of
5 bylaws and shall otherwise have an opportunity to participate
6 in the business and affairs of the commission. A delegate
7 shall vote in person or by other means as provided in the
8 bylaws. The bylaws may provide for delegates' participation in
9 meetings by telephone or other means of communication;

10 (3) the commission shall meet at least once
11 each calendar year. Additional meetings shall be held as set
12 forth in the bylaws;

13 (4) all meetings shall be open to the public,
14 and public notice of meetings shall be given in the same manner
15 as required under the rulemaking provisions in Section 13 of
16 the Emergency Medical Services Personnel Licensure Interstate
17 Compact;

18 (5) the commission may convene in a closed,
19 nonpublic meeting if the commission is discussing:

20 (a) noncompliance of a member state with
21 its obligations under this compact;

22 (b) the employment, compensation,
23 discipline or other personnel matters, practices or procedures
24 related to specific employees or other matters related to the
25 commission's internal personnel practices and procedures;

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1 (c) current, threatened or reasonably
2 anticipated litigation;

3 (d) negotiation of contracts for the
4 purchase or sale of goods, services or real estate;

5 (e) accusing any person of a crime or
6 formally censuring any person;

7 (f) disclosure of trade secrets or
8 commercial or financial information that is privileged or
9 confidential;

10 (g) disclosure of information of a
11 personal nature where disclosure would constitute a clearly
12 unwarranted invasion of personal privacy;

13 (h) disclosure of investigatory records
14 compiled for law enforcement purposes;

15 (i) disclosure of information related to
16 any investigatory reports prepared by or on behalf of or for
17 use of the commission or other committee charged with
18 responsibility of investigation or determination of compliance
19 issues pursuant to this compact; or

20 (j) matters specifically exempted from
21 disclosure by federal or member state statute; and

22 (6) if a meeting, or portion of a meeting, is
23 closed pursuant to this provision, the commission's legal
24 counsel or designee shall certify that the meeting may be
25 closed and shall reference each relevant exempting provision.

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

10 C. The commission shall, by a majority vote of the
11 delegates, prescribe bylaws or rules to govern the commission's
12 conduct as may be necessary or appropriate to carry out the
13 purposes and exercise the powers of this compact, including:

14 (1) establishing the fiscal year of the
15 commission;

16 (2) providing reasonable standards and
17 procedures:

18 (a) for the establishment and meetings
19 of other committees; and

20 (b) governing any general or specific
21 delegation of any authority or function of the commission;

22 (3) providing reasonable procedures for
23 calling and conducting meetings of the commission, ensuring
24 reasonable advance notice of all meetings and providing an
25 opportunity for attendance of meetings by interested parties,

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1 with enumerated exceptions designed to protect the public's
2 interest, the privacy of individuals and proprietary
3 information, including trade secrets. The commission may meet
4 in closed session only after a majority of the membership votes
5 to close a meeting in whole or in part. As soon as
6 practicable, the commission shall make public a copy of the
7 vote to close the meeting, revealing the vote of each member
8 with no proxy votes allowed;

9 (4) establishing the titles, duties, authority
10 and reasonable procedures for the election of the officers of
11 the commission;

12 (5) providing reasonable standards and
13 procedures for the establishment of the personnel policies and
14 programs of the commission. Notwithstanding any civil service
15 or other similar laws of any member state, the bylaws shall
16 exclusively govern the personnel policies and programs of the
17 commission;

18 (6) promulgating a code of ethics to address
19 permissible and prohibited activities of commission members and
20 employees;

21 (7) providing a mechanism for winding up the
22 operations of the commission and the equitable disposition of
23 any surplus funds that may exist after the termination of this
24 compact after the payment or reserving of all of the
25 commission's debts and obligations; and

1 (8) publishing the commission's bylaws and
2 filing a copy thereof, and a copy of any amendment to the
3 bylaws, with the appropriate agency or officer in each of the
4 member states, if any.

5 D. The commission shall:

6 (1) maintain the commission's financial
7 records in accordance with the bylaws; and

8 (2) meet and take actions that are consistent
9 with the provisions of this compact and the bylaws.

10 E. The commission has the following powers:

11 (1) the authority to promulgate uniform rules
12 to facilitate and coordinate implementation and administration
13 of this compact. The rules shall have the force and effect of
14 law and shall be binding in all member states;

15 (2) to bring and prosecute legal proceedings
16 or actions in the name of the commission; provided that the
17 standing of any state emergency medical services authority or
18 other regulatory body responsible for emergency medical
19 services personnel licensure to sue or be sued under applicable
20 law shall not be affected;

21 (3) to purchase and maintain insurance and
22 bonds;

23 (4) to borrow, accept or contract for services
24 of personnel, including employees of a member state;

25 (5) to hire employees, elect or appoint

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1 officers, fix compensation, define duties, grant individuals
2 appropriate authority to carry out the purposes of this compact
3 and establish the commission's personnel policies and programs
4 relating to conflicts of interest, qualifications of personnel
5 and other related personnel matters;

6 (6) to accept any and all appropriate
7 donations and grants of money, equipment, supplies, materials
8 and services and to receive, use and dispose of the same;
9 provided that at all times, the commission shall strive to
10 avoid any appearance of impropriety or conflict of interest;

11 (7) to lease, purchase, accept appropriate
12 gifts or donations of, or otherwise to own, hold, improve or
13 use, any property, real, personal or mixed; provided that at
14 all times, the commission shall strive to avoid any appearance
15 of impropriety;

16 (8) to sell, convey, mortgage, pledge, lease,
17 exchange, abandon or otherwise dispose of any property real,
18 personal or mixed;

19 (9) to establish a budget and make
20 expenditures;

21 (10) to borrow money;

22 (11) to appoint committees, including advisory
23 committees composed of members, state regulators, state
24 legislators or their representatives, consumer representatives
25 and other interested persons as may be designated in this

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1 compact and the bylaws;

2 (12) to provide and receive information from,
3 and to cooperate with, law enforcement agencies;

4 (13) to adopt and use an official seal; and

5 (14) to perform other functions as may be
6 necessary or appropriate to achieve the purposes of this
7 compact consistent with the state regulation of emergency
8 medical services personnel licensure and practice.

9 F. The commission shall be financed as follows:

10 (1) the commission shall pay, or provide for
11 the payment of, the reasonable expenses of its establishment,
12 organization and ongoing activities;

13 (2) the commission may accept any and all
14 appropriate revenue sources, donations and grants of money,
15 equipment, supplies, materials and services;

16 (3) the commission may levy on and collect an
17 annual assessment from each member state or impose fees on
18 other parties to cover the cost of the operations and
19 activities of the commission and the commission's staff, which
20 shall be in a total amount sufficient to cover the commission's
21 annual budget as approved each year for which revenue is not
22 provided by other sources. The aggregate annual assessment
23 amount shall be allocated based upon a formula to be determined
24 by the commission, which shall promulgate a rule binding upon
25 all member states;

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1 (4) the commission shall not incur obligations
2 of any kind prior to securing the funds adequate to meet the
3 same; nor shall the commission pledge the credit of any of the
4 member states, except by and with the authority of the member
5 state; and

6 (5) the commission shall keep accurate
7 accounts of all receipts and disbursements. The receipts and
8 disbursements of the commission shall be subject to the audit
9 and accounting procedures established under the commission's
10 bylaws. All receipts and disbursements of funds handled by the
11 commission shall be audited yearly by a certified or licensed
12 public accountant, and the report of the audit shall be
13 included in and become part of the annual report of the
14 commission.

15 G. With respect to qualified immunity, defense and
16 indemnification:

17 (1) the members, officers, executive director,
18 employees and representatives of the commission shall be immune
19 from suit and liability, either personally or in their official
20 capacity, for any claim for damage to or loss of property or
21 personal injury or other civil liability caused by or arising
22 out of any actual or alleged act, error or omission that
23 occurred, or that the person against whom the claim is made had
24 a reasonable basis for believing occurred within the scope of
25 commission employment, duties or responsibilities; provided

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1 that nothing in this paragraph shall be construed to protect
2 any such person from suit or liability for any damage, loss,
3 injury or liability caused by the intentional or willful or
4 wanton misconduct of that person;

5 (2) the commission shall defend any member,
6 officer, executive director, employee or representative of the
7 commission in any civil action seeking to impose liability
8 arising out of any actual or alleged act, error or omission
9 that occurred within the scope of commission employment, duties
10 or responsibilities, or that the person against whom the claim
11 is made had a reasonable basis for believing occurred within
12 the scope of commission employment, duties or responsibilities;
13 provided that nothing herein shall be construed to prohibit
14 that person from retaining that person's own counsel; and
15 provided further that the actual or alleged act, error or
16 omission did not result from that person's intentional or
17 willful or wanton misconduct; and

18 (3) the commission shall indemnify and hold
19 harmless any member, officer, executive director, employee or
20 representative of the commission for the amount of any
21 settlement or judgment obtained against that person arising out
22 of any actual or alleged act, error or omission that occurred
23 within the scope of commission employment, duties or
24 responsibilities, or that the person had a reasonable basis for
25 believing occurred within the scope of commission employment,

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1 duties or responsibilities; provided that the actual or alleged
2 act, error or omission did not result from the intentional or
3 willful or wanton misconduct of that person.

4 SECTION 12. [NEW MATERIAL] COORDINATED DATABASE.--

5 A. The commission shall provide for the development
6 and maintenance of a coordinated database and reporting system
7 containing licensure, adverse action and significant
8 investigatory information on all licensed individuals in member
9 states.

10 B. Notwithstanding any other provision of state law
11 to the contrary, a member state shall submit a uniform data set
12 to the coordinated database on all individuals to whom this
13 compact is applicable as required by the rules of the
14 commission, including:

- 15 (1) identifying information;
- 16 (2) licensure data;
- 17 (3) significant investigatory information;
- 18 (4) adverse actions against an individual's
19 license;
- 20 (5) an indicator that an individual's
21 privilege to practice is restricted, suspended or revoked;
- 22 (6) nonconfidential information related to
23 alternative program participation;
- 24 (7) any denial of application for licensure
25 and the reason for the denial; and

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1 (8) other information that may facilitate the
2 administration of this compact, as determined by the rules of
3 the commission.

4 C. The coordinated database administrator shall
5 promptly notify all member states of any adverse action taken
6 against, or significant investigative information on, any
7 individual in a member state.

8 D. Member states contributing information to the
9 coordinated database may designate information that may not be
10 shared with the public without the express permission of the
11 contributing state.

12 E. Any information submitted to the coordinated
13 database that is subsequently required to be expunged by the
14 laws of the member state contributing the information shall be
15 removed from the coordinated database.

16 SECTION 13. [NEW MATERIAL] RULEMAKING.--

17 A. The commission shall exercise the commission's
18 rulemaking powers pursuant to the criteria set forth in this
19 section and the rules adopted pursuant to this section. Rules
20 and amendments shall become binding as of the date specified in
21 each rule or amendment.

22 B. If a majority of the legislatures of the member
23 states rejects a rule, by enactment of a statute or resolution
24 in the same manner used to adopt this compact, then such rule
25 shall have no further force and effect in any member state.

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1 C. Rules or amendments to the rules shall be
2 adopted at a regular or special meeting of the commission.

3 D. Prior to promulgation and adoption of a final
4 rule or rules by the commission, and at least sixty days in
5 advance of the meeting at which the rule will be considered and
6 voted upon, the commission shall file a notice of proposed
7 rulemaking on the website of:

8 (1) the commission; and

9 (2) each member state's state emergency
10 medical services authority or the publication in which each
11 state would otherwise publish proposed rules.

12 E. The notice of proposed rulemaking shall include:

13 (1) the proposed time, date and location of
14 the meeting in which the rule will be considered and voted
15 upon;

16 (2) the text of the proposed rule or amendment
17 and the reason for the proposed rule;

18 (3) a request for comments on the proposed
19 rule from any interested person; and

20 (4) the manner in which interested persons may
21 submit notice to the commission of their intention to attend
22 the public hearing and any written comments.

23 F. Prior to adoption of a proposed rule, the
24 commission shall allow persons to submit written data, facts,
25 opinions and arguments, which shall be made available to the

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1 public.

2 G. The commission shall grant an opportunity for a
3 public hearing before it adopts a rule or amendment if a
4 hearing is requested by:

- 5 (1) at least twenty-five persons;
- 6 (2) a governmental subdivision or agency; or
- 7 (3) an association having at least twenty-five
8 members.

9 H. If a hearing is held on the proposed rule or
10 amendment, the commission shall publish the place, time and
11 date of the scheduled public hearing. With respect to
12 hearings:

13 (1) all persons wishing to be heard at the
14 hearing shall notify the executive director of the commission
15 or other designated member in writing of the person's desire to
16 appear and testify at the hearing no less than five business
17 days before the scheduled date of the hearing;

18 (2) hearings shall be conducted in a manner
19 providing each person who wishes to comment a fair and
20 reasonable opportunity to comment orally or in writing;

21 (3) no transcript of the hearing is required,
22 unless a written request for a transcript is made, in which
23 case the person requesting the transcript shall bear the cost
24 of producing the transcript. A recording may be made in lieu
25 of a transcript under the same terms and conditions as a

1 transcript. This paragraph shall not preclude the commission
2 from making a transcript or recording of the hearing if the
3 commission so chooses; and

4 (4) nothing in this section shall be construed
5 as requiring a separate hearing on each rule. Rules may be
6 grouped for the convenience of the commission at hearings
7 required by this section.

8 I. Following the scheduled hearing date, or by the
9 close of business on the scheduled hearing date if the hearing
10 was not held, the commission shall consider all written and
11 oral comments received.

12 J. The commission shall, by majority vote of all
13 members, take final action on the proposed rule and shall
14 determine the effective date of the rule, if any, based on the
15 rulemaking record and the full text of the rule.

16 K. If no written notice of intent to attend the
17 public hearing by interested parties is received, the
18 commission may proceed with promulgation of the proposed rule
19 without a public hearing.

20 L. Upon determination that an emergency exists, the
21 commission may consider and adopt an emergency rule without
22 prior notice, opportunity for comment or hearing; provided that
23 the usual rulemaking procedures provided in this compact and in
24 this section shall be retroactively applied to the rule as soon
25 as reasonably possible, in no event later than ninety days

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1 after the effective date of the rule. For the purposes of this
2 provision, an emergency rule is one that must be adopted
3 immediately in order to:

4 (1) meet an imminent threat to public health,
5 safety or welfare;

6 (2) prevent a loss of commission or member
7 state funds;

8 (3) meet a deadline for the promulgation of an
9 administrative rule that is established by federal law or rule;
10 or

11 (4) protect public health and safety.

12 M. The commission or an authorized committee of the
13 commission may direct revisions to a previously adopted rule or
14 amendment for purposes of correcting typographical errors,
15 errors in format, errors in consistency or grammatical errors.
16 Public notice of any revisions shall be posted on the website
17 of the commission. The revision shall be subject to challenge
18 by any person for a period of thirty days after posting. The
19 revision may be challenged only on grounds that the revision
20 results in a material change to a rule. A challenge shall be
21 made in writing and delivered to the chair of the commission
22 prior to the end of the notice period. If no challenge is
23 made, the revision shall take effect without further action.
24 If the revision is challenged, the revision shall not take
25 effect without the approval of the commission.

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1 SECTION 14. ~~[NEW MATERIAL]~~ OVERSIGHT, DISPUTE RESOLUTION
2 AND ENFORCEMENT.--

3 A. The executive, legislative and judicial branches
4 of state government in each member state shall enforce this
5 compact and take all actions necessary and appropriate to
6 effectuate this compact's purposes and intent. The provisions
7 of this compact and the rules promulgated pursuant to this
8 compact shall have standing as statutory law.

9 B. All courts shall take judicial notice of this
10 compact and the rules in any judicial or administrative
11 proceeding in a member state pertaining to the subject matter
12 of this compact that may affect the powers, responsibilities or
13 actions of the commission.

14 C. The commission is entitled to receive service of
15 process in any proceeding and has standing to intervene in such
16 a proceeding for all purposes. Failure to provide service of
17 process to the commission shall render a judgment or order void
18 as to the commission, this compact or promulgated rules.

19 D. If the commission determines that a member state
20 has defaulted in the performance of its obligations or
21 responsibilities under this compact or the promulgated rules,
22 the commission shall provide:

- 23 (1) written notice to the defaulting state and
24 other member states of the nature of the default, the proposed
25 means of curing the default or any other action to be taken by

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1 the commission; and

2 (2) remedial training and specific technical
3 assistance regarding the default.

4 E. If a state in default fails to cure the default,
5 the defaulting state may be terminated from this compact upon
6 an affirmative vote of a majority of the member states, and all
7 rights, privileges and benefits conferred by this compact may
8 be terminated on the effective date of termination. A cure of
9 the default does not relieve the offending state of obligations
10 or liabilities incurred during the period of default.

11 F. Termination of membership in this compact shall
12 be imposed only after all other means of securing compliance
13 have been exhausted. Notice of intent to suspend or terminate
14 shall be given by the commission to the defaulting state's
15 governor, the majority and minority leaders of the defaulting
16 state's legislature and each of the member states.

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

22 H. The commission shall not bear any costs related
23 to a state that is found to be in default or that has been
24 terminated from this compact, unless agreed upon in writing
25 between the commission and the defaulting state.

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1 I. The defaulting state may appeal the action of
2 the commission by petitioning the United States district court
3 for the District of Columbia or the federal district where the
4 commission has its principal offices. The prevailing member
5 shall be awarded all costs of the litigation, including
6 reasonable attorney fees.

7 J. Upon request by a member state, the commission
8 shall attempt to resolve disputes related to this compact that
9 arise among member states and between member and nonmember
10 states. The commission shall promulgate a rule providing for
11 both mediation and binding dispute resolution for disputes as
12 appropriate.

13 K. With respect to enforcement of this compact:

14 (1) the commission, in the reasonable exercise
15 of its discretion, shall enforce the provisions and rules of
16 this compact;

17 (2) by majority vote, the commission may
18 initiate legal action in the United States district court for
19 the District of Columbia or the federal district where the
20 commission has its principal offices against a member state in
21 default to enforce compliance with the provisions of this
22 compact and its promulgated rules and bylaws. The relief
23 sought may include both injunctive relief and damages. In the
24 event that judicial enforcement is necessary, the prevailing
25 party shall be awarded all costs of the litigation, including

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1 reasonable attorney fees; and

2 (3) the remedies provided in this compact
3 shall not be the exclusive remedies of the commission. The
4 commission may pursue any other remedies available under
5 federal or state law.

6 SECTION 15. ~~[NEW MATERIAL]~~ DATE OF IMPLEMENTATION OF THE
7 INTERSTATE COMMISSION FOR EMERGENCY MEDICAL SERVICES PERSONNEL
8 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT.--

9 A. This compact shall come into effect on the date
10 on which this compact statute is enacted into law in the tenth
11 member state. The provisions, which become effective at that
12 time, shall be limited to the powers granted to the commission
13 relating to assembly and the promulgation of rules.

14 Thereafter, the commission shall meet and exercise rulemaking
15 powers necessary to the implementation and administration of
16 this compact.

17 B. Any state that joins this compact subsequent to
18 the commission's initial adoption of the rules shall be subject
19 to the rules as they exist on the date on which this compact
20 becomes law in that state. Any rule that has been previously
21 adopted by the commission shall have the full force and effect
22 of law on the day this compact becomes law in that state.

23 C. Any member state may withdraw from this compact
24 by enacting a statute repealing the same. Withdrawal:

25 (1) by a member state shall not take effect

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1 until six months after enactment of the repealing statute; and

2 (2) shall not affect the continuing
3 requirement of the withdrawing state's state emergency medical
4 services authority to comply with the investigative and adverse
5 action reporting requirements of this compact prior to the
6 effective date of withdrawal.

7 D. Nothing contained in this compact shall be
8 construed to invalidate or prevent any emergency medical
9 services personnel licensure agreement or other cooperative
10 arrangement between a member state and a nonmember state that
11 does not conflict with the provisions of this compact.

12 E. This compact may be amended by the member
13 states. No amendment to this compact shall become effective
14 and binding upon any member state until the amendment is
15 enacted into the laws of all member states.

16 SECTION 16. [NEW MATERIAL] CONSTRUCTION AND
17 SEVERABILITY.--This compact shall be liberally construed so as
18 to effectuate the purposes of this compact. If this compact
19 shall be held contrary to the constitution of any member state
20 thereto, this compact shall remain in full force and effect as
21 to the remaining member states. Nothing in this compact
22 supersedes state law or rules related to licensure of emergency
23 medical services agencies.