

**EMERGENCY MEDICAL SERVICES PERSONNEL
LICENSURE INTERSTATE COMPACT**

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Schultz

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Veterans' and Military Affairs Commission recommended this bill.

Membership: 5 legislators 18 non-legislators

Legislative Vote: 3 voting for 0 voting against 2 absent

General Description:

This bill enacts the EMS Personnel Licensure Interstate Compact.

Highlighted Provisions:

This bill:

- ▶ enacts the EMS Personnel Licensure Interstate Compact.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

26-8c-101, Utah Code Annotated 1953

26-8c-102, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



28 Section 1. Section **26-8c-101** is enacted to read:

29 **CHAPTER 8c. EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

30 **26-8c-101. Title.**

31 This chapter is known as the "EMS Personnel Licensure Interstate Compact."

32 Section 2. Section **26-8c-102** is enacted to read:

33 **26-8c-102. EMS Personnel Licensure Interstate Compact.**

34 EMS PERSONNEL LICENSURE INTERSTATE COMPACT

35 SECTION 1. PURPOSE

36 In order to protect the public through verification of competency and ensure
37 accountability for patient care related activities all states license emergency medical services
38 (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and
39 paramedics. This Compact is intended to facilitate the day to day movement of EMS personnel
40 across state boundaries in the performance of their EMS duties as assigned by an appropriate
41 authority and authorize state EMS offices to afford immediate legal recognition to EMS
42 personnel licensed in a member state. This Compact recognizes that states have a vested
43 interest in protecting the public's health and safety through their licensing and regulation of
44 EMS personnel and that such state regulation shared among the member states will best protect
45 public health and safety. This Compact is designed to achieve the following purposes and
46 objectives:

- 47 1. Increase public access to EMS personnel;
- 48 2. Enhance the states' ability to protect the public's health and safety, especially patient
49 safety;
- 50 3. Encourage the cooperation of member states in the areas of EMS personnel licensure
51 and regulation;
- 52 4. Support licensing of military members who are separating from an active duty tour
53 and their spouses;
- 54 5. Facilitate the exchange of information between member states regarding EMS
55 personnel licensure, adverse action and significant investigatory information;
- 56 6. Promote compliance with the laws governing EMS personnel practice in each
57 member state; and
- 58 7. Invest all member states with the authority to hold EMS personnel accountable

59 through the mutual recognition of member state licenses.

60 SECTION 2. DEFINITIONS

61 In this compact:

62 A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed
63 with cognitive knowledge and a scope of practice that corresponds to that level in the National
64 EMS Education Standards and National EMS Scope of Practice Model.

65 B. "Adverse Action" means: any administrative, civil, equitable or criminal action
66 permitted by a state's laws which may be imposed against licensed EMS personnel by a state
67 EMS authority or state court, including, but not limited to, actions against an individual's
68 license such as revocation, suspension, probation, consent agreement, monitoring or other
69 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
70 fines, criminal convictions and state court judgments enforcing adverse actions by the state
71 EMS authority.

72 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse
73 recovery program approved by a state EMS authority.

74 D. "Certification" means: the successful verification of entry-level cognitive and
75 psychomotor competency using a reliable, validated, and legally defensible examination.

76 E. "Commission" means: the national administrative body of which all states that have
77 enacted the compact are members.

78 F. "Emergency Medical Technician (EMT)" means: an individual licensed with
79 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
80 Education Standards and National EMS Scope of Practice Model.

81 G. "Home State" means: a member state where an individual is licensed to practice
82 emergency medical services.

83 H. "License" means: the authorization by a state for an individual to practice as an
84 EMT, AEMT, paramedic, or a level in between EMT and paramedic.

85 I. "Medical Director" means: a physician licensed in a member state who is
86 accountable for the care delivered by EMS personnel.

87 J. "Member State" means: a state that has enacted this compact.

88 K. "Privilege to Practice" means: an individual's authority to deliver emergency
89 medical services in remote states as authorized under this compact.

90 L. "Paramedic" means: an individual licensed with cognitive knowledge and a scope of
91 practice that corresponds to that level in the National EMS Education Standards and National
92 EMS Scope of Practice Model.

93 M. "Remote State" means: a member state in which an individual is not licensed.

94 N. "Restricted" means: the outcome of an adverse action that limits a license or the
95 privilege to practice.

96 O. "Rule" means: a written statement by the interstate Commission promulgated
97 pursuant to Section 12 of this compact that is of general applicability; implements, interprets,
98 or prescribes a policy or provision of the compact; or is an organizational, procedural, or
99 practice requirement of the Commission and has the force and effect of statutory law in a
100 member state and includes the amendment, repeal, or suspension of an existing rule.

101 P. "Scope of Practice" means: defined parameters of various duties or services that may
102 be provided by an individual with specific credentials. Whether regulated by rule, statute, or
103 court decision, it tends to represent the limits of services an individual may perform.

104 Q. "Significant Investigatory Information" means:

105 1. investigative information that a state EMS authority, after a preliminary inquiry that
106 includes notification and an opportunity to respond if required by state law, has reason to
107 believe, if proved true, would result in the imposition of an adverse action on a license or
108 privilege to practice; or

109 2. investigative information that indicates that the individual represents an immediate
110 threat to public health and safety regardless of whether the individual has been notified and had
111 an opportunity to respond.

112 R. "State" means: means any state, commonwealth, district, or territory of the United
113 States.

114 S. "State EMS Authority" means: the board, office, or other agency with the legislative
115 mandate to license EMS personnel.

116 SECTION 3. HOME STATE LICENSURE

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

119 B. Any member state may require an individual to obtain and retain a license to be
120 authorized to practice in the member state under circumstances not authorized by the privilege

121 to practice under the terms of this compact.

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

124 1. Currently requires the use of the National Registry of Emergency Medical
125 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and
126 paramedic levels;

127 2. Has a mechanism in place for receiving and investigating complaints about
128 individuals;

129 3. Notifies the Commission, in compliance with the terms herein, of any adverse action
130 or significant investigatory information regarding an individual;

131 4. No later than five years after activation of the Compact, requires a criminal
132 background check of all applicants for initial licensure, including the use of the results of
133 fingerprint or other biometric data checks compliant with the requirements of the Federal
134 Bureau of Investigation with the exception of federal employees who have suitability
135 determination in accordance with US CFR §731.202 and submit documentation of such as
136 promulgated in the rules of the Commission; and

137 5. Complies with the rules of the Commission.

138 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

139 A. Member states shall recognize the privilege to practice of an individual licensed in
140 another member state that is in conformance with Section 3.

141 B. To exercise the privilege to practice under the terms and provisions of this compact,
142 an individual must:

143 1. Be at least 18 years of age;

144 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
145 paramedic, or state recognized and licensed level with a scope of practice and authority
146 between EMT and paramedic; and

147 3. Practice under the supervision of a medical director.

148 C. An individual providing patient care in a remote state under the privilege to practice
149 shall function within the scope of practice authorized by the home state unless and until
150 modified by an appropriate authority in the remote state as may be defined in the rules of the
151 commission.

152 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
153 state will be subject to the remote state's authority and laws. A remote state may, in accordance
154 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
155 practice in the remote state and may take any other necessary actions to protect the health and
156 safety of its citizens. If a remote state takes action it shall promptly notify the home state and
157 the Commission.

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

161 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
162 revoked the individual shall not be eligible to practice in any remote state until the individual's
163 privilege to practice is restored.

164 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

165 An individual may practice in a remote state under a privilege to practice only in the
166 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
167 in the rules of the Commission, and under the following circumstances:

168 1. The individual originates a patient transport in a home state and transports the
169 patient to a remote state;

170 2. The individual originates in the home state and enters a remote state to pick up a
171 patient and provide care and transport of the patient to the home state;

172 3. The individual enters a remote state to provide patient care and/or transport within
173 that remote state;

174 4. The individual enters a remote state to pick up a patient and provide care and
175 transport to a third member state;

176 5. Other conditions as determined by rules promulgated by the commission.

177 SECTION 6. RELATIONSHIP TO EMERGENCY

178 MANAGEMENT ASSISTANCE COMPACT

179 Upon a member state's governor's declaration of a state of emergency or disaster that
180 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
181 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
182 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual

183 practicing in the remote state in response to such declaration.

184 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING
185 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

186 A. Member states shall consider a veteran, active military service member, and
187 member of the National Guard and Reserves separating from an active duty tour, and a spouse
188 thereof, who holds a current valid and unrestricted NREMT certification at or above the level
189 of the state license being sought as satisfying the minimum training and examination
190 requirements for such licensure.

191 B. Member states shall expedite the processing of licensure applications submitted by
192 veterans, active military service members, and members of the National Guard and Reserves
193 separating from an active duty tour, and their spouses.

194 C. All individuals functioning with a privilege to practice under this Section remain
195 subject to the Adverse Actions provisions of Section VIII.

196 SECTION 8. ADVERSE ACTIONS

197 A. A home state shall have exclusive power to impose adverse action against an
198 individual's license issued by the home state.

199 B. If an individual's license in any home state is restricted or suspended, the individual
200 shall not be eligible to practice in a remote state under the privilege to practice until the
201 individual's home state license is restored.

202 1. All home state adverse action orders shall include a statement that the individual's
203 compact privileges are inactive. The order may allow the individual to practice in remote states
204 with prior written authorization from both the home state and remote state's EMS authority.

205 2. An individual currently subject to adverse action in the home state shall not practice
206 in any remote state without prior written authorization from both the home state and remote
207 state's EMS authority.

208 C. A member state shall report adverse actions and any occurrences that the
209 individual's compact privileges are restricted, suspended, or revoked to the Commission in
210 accordance with the rules of the Commission.

211 D. A remote state may take adverse action on an individual's privilege to practice
212 within that state.

213 E. Any member state may take adverse action against an individual's privilege to

214 practice in that state based on the factual findings of another member state, so long as each
215 state follows its own procedures for imposing such adverse action.

216 F. A home state's EMS authority shall investigate and take appropriate action with
217 respect to reported conduct in a remote state as it would if such conduct had occurred within
218 the home state. In such cases, the home state's law shall control in determining the appropriate
219 adverse action.

220 G. Nothing in this Compact shall override a member state's decision that participation
221 in an alternative program may be used in lieu of adverse action and that such participation shall
222 remain non-public if required by the member state's laws. Member states must require
223 individuals who enter any alternative programs to agree not to practice in any other member
224 state during the term of the alternative program without prior authorization from such other
225 member state.

226 SECTION 9. ADDITIONAL POWERS INVESTED
227 IN A MEMBER STATE'S EMS AUTHORITY

228 A member state's EMS authority, in addition to any other powers granted under state
229 law, is authorized under this compact to:

230 1. Issue subpoenas for both hearings and investigations that require the attendance and
231 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
232 EMS authority for the attendance and testimony of witnesses, and/or the production of
233 evidence from another member state, shall be enforced in the remote state by any court of
234 competent jurisdiction, according to that court's practice and procedure in considering
235 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
236 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
237 state where the witnesses and/or evidence are located; and

238 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
239 to practice in the state.

240 SECTION 10. ESTABLISHMENT OF THE INTERSTATE
241 COMMISSION FOR EMS PERSONNEL PRACTICE

242 A. The Compact states hereby create and establish a joint public agency known as the
243 Interstate Commission for EMS Personnel Practice.

244 1. The Commission is a body politic and an instrumentality of the Compact states.

245 2. Venue is proper and judicial proceedings by or against the Commission shall be
246 brought solely and exclusively in a court of competent jurisdiction where the principal office of
247 the Commission is located. The Commission may waive venue and jurisdictional defenses to
248 the extent it adopts or consents to participate in alternative dispute resolution proceedings.

249 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

250 B. Membership, Voting, and Meetings

251 1. Each member state shall have and be limited to one (1) delegate. The responsible
252 official of the state EMS authority or his designee shall be the delegate to this Compact for
253 each member state. Any delegate may be removed or suspended from office as provided by the
254 law of the state from which the delegate is appointed. Any vacancy occurring in the
255 Commission shall be filled in accordance with the laws of the member state in which the
256 vacancy exists. In the event that more than one board, office, or other agency with the
257 legislative mandate to license EMS personnel at and above the level of EMT exists, the
258 Governor of the state will determine which entity will be responsible for assigning the delegate.

259 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
260 rules and creation of bylaws and shall otherwise have an opportunity to participate in the
261 business and affairs of the Commission. A delegate shall vote in person or by such other
262 means as provided in the bylaws. The bylaws may provide for delegates' participation in
263 meetings by telephone or other means of communication.

264 3. The Commission shall meet at least once during each calendar year. Additional
265 meetings shall be held as set forth in the bylaws.

266 4. All meetings shall be open to the public, and public notice of meetings shall be
267 given in the same manner as required under the rulemaking provisions in Section XII.

268 5. The Commission may convene in a closed, non-public meeting if the Commission
269 must discuss:

270 a. Non-compliance of a member state with its obligations under the Compact;

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

274 c. Current, threatened, or reasonably anticipated litigation;

275 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

276 e. Accusing any person of a crime or formally censuring any person;

277 f. Disclosure of trade secrets or commercial or financial information that is privileged
278 or confidential;

279 g. Disclosure of information of a personal nature where disclosure would constitute a
280 clearly unwarranted invasion of personal privacy;

281 h. Disclosure of investigatory records compiled for law enforcement purposes;

282 i. Disclosure of information related to any investigatory reports prepared by or on
283 behalf of or for use of the Commission or other committee charged with responsibility of
284 investigation or determination of compliance issues pursuant to the compact; or

285 j. Matters specifically exempted from disclosure by federal or member state statute.

286 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
287 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
288 reference each relevant exempting provision. The Commission shall keep minutes that fully
289 and clearly describe all matters discussed in a meeting and shall provide a full and accurate
290 summary of actions taken, and the reasons therefore, including a description of the views
291 expressed. All documents considered in connection with an action shall be identified in such
292 minutes. All minutes and documents of a closed meeting shall remain under seal, subject to
293 release by a majority vote of the Commission or order of a court of competent jurisdiction.

294 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
295 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
296 exercise the powers of the compact, including but not limited to:

297 1. Establishing the fiscal year of the Commission;

298 2. Providing reasonable standards and procedures:

299 a. for the establishment and meetings of other committees; and

300 b. governing any general or specific delegation of any authority or function of the
301 Commission;

302 3. Providing reasonable procedures for calling and conducting meetings of the
303 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
304 for attendance of such meetings by interested parties, with enumerated exceptions designed to
305 protect the public's interest, the privacy of individuals, and proprietary information, including
306 trade secrets. The Commission may meet in closed session only after a majority of the

307 membership votes to close a meeting in whole or in part. As soon as practicable, the
308 Commission must make public a copy of the vote to close the meeting revealing the vote of
309 each member with no proxy votes allowed;

310 4. Establishing the titles, duties and authority, and reasonable procedures for the
311 election of the officers of the Commission;

312 5. Providing reasonable standards and procedures for the establishment of the
313 personnel policies and programs of the Commission. Notwithstanding any civil service or
314 other similar laws of any member state, the bylaws shall exclusively govern the personnel
315 policies and programs of the Commission;

316 6. Promulgating a code of ethics to address permissible and prohibited activities of
317 Commission members and employees;

318 7. Providing a mechanism for winding up the operations of the Commission and the
319 equitable disposition of any surplus funds that may exist after the termination of the Compact
320 after the payment and/or reserving of all of its debts and obligations;

321 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
322 amendment thereto, with the appropriate agency or officer in each of the member states, if any.

323 9. The Commission shall maintain its financial records in accordance with the bylaws.

324 10. The Commission shall meet and take such actions as are consistent with the
325 provisions of this Compact and the bylaws.

326 D. The Commission shall have the following powers:

327 1. The authority to promulgate uniform rules to facilitate and coordinate
328 implementation and administration of this Compact. The rules shall have the force and effect
329 of law and shall be binding in all member states;

330 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
331 provided that the standing of any state EMS authority or other regulatory body responsible for
332 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

333 3. To purchase and maintain insurance and bonds;

334 4. To borrow, accept, or contract for services of personnel, including, but not limited
335 to, employees of a member state;

336 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
337 such individuals appropriate authority to carry out the purposes of the compact, and to establish

338 the Commission's personnel policies and programs relating to conflicts of interest,
339 qualifications of personnel, and other related personnel matters;

340 6. To accept any and all appropriate donations and grants of money, equipment,
341 supplies, materials and services, and to receive, utilize and dispose of the same; provided that
342 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
343 of interest;

344 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
345 hold, improve or use, any property, real, personal or mixed; provided that at all times the
346 Commission shall strive to avoid any appearance of impropriety;

347 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
348 any property real, personal, or mixed;

349 9. To establish a budget and make expenditures;

350 10. To borrow money;

351 11. To appoint committees, including advisory committees comprised of members,
352 state regulators, state legislators or their representatives, and consumer representatives, and
353 such other interested persons as may be designated in this compact and the bylaws;

354 12. To provide and receive information from, and to cooperate with, law enforcement
355 agencies;

356 13. To adopt and use an official seal; and

357 14. To perform such other functions as may be necessary or appropriate to achieve the
358 purposes of this Compact consistent with the state regulation of EMS personnel licensure and
359 practice.

360 E. Financing of the Commission

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

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

365 3. The Commission may levy on and collect an annual assessment from each member
366 state or impose fees on other parties to cover the cost of the operations and activities of the
367 Commission and its staff, which must be in a total amount sufficient to cover its annual budget
368 as approved each year for which revenue is not provided by other sources. The aggregate

369 annual assessment amount shall be allocated based upon a formula to be determined by the
370 Commission, which shall promulgate a rule binding upon all member states.

371 4. The Commission shall not incur obligations of any kind prior to securing the funds
372 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
373 states, except by and with the authority of the member state.

374 5. The Commission shall keep accurate accounts of all receipts and disbursements.
375 The receipts and disbursements of the Commission shall be subject to the audit and accounting
376 procedures established under its bylaws. However, all receipts and disbursements of funds
377 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
378 and the report of the audit shall be included in and become part of the annual report of the
379 Commission.

380 F. Qualified Immunity, Defense, and Indemnification

381 1. The members, officers, executive director, employees and representatives of the
382 Commission shall be immune from suit and liability, either personally or in their official
383 capacity, for any claim for damage to or loss of property or personal injury or other civil
384 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
385 that the person against whom the claim is made had a reasonable basis for believing occurred
386 within the scope of Commission employment, duties or responsibilities; provided that nothing
387 in this paragraph shall be construed to protect any such person from suit and/or liability for any
388 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
389 that person.

390 2. The Commission shall defend any member, officer, executive director, employee or
391 representative of the Commission in any civil action seeking to impose liability arising out of
392 any actual or alleged act, error, or omission that occurred within the scope of Commission
393 employment, duties, or responsibilities, or that the person against whom the claim is made had
394 a reasonable basis for believing occurred within the scope of Commission employment, duties,
395 or responsibilities; provided that nothing herein shall be construed to prohibit that person from
396 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
397 omission did not result from that person's intentional or willful or wanton misconduct.

398 3. The Commission shall indemnify and hold harmless any member, officer, executive
399 director, employee, or representative of the Commission for the amount of any settlement or

400 judgment obtained against that person arising out of any actual or alleged act, error or omission
401 that occurred within the scope of Commission employment, duties, or responsibilities, or that
402 such person had a reasonable basis for believing occurred within the scope of Commission
403 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
404 omission did not result from the intentional or willful or wanton misconduct of that person.

405 SECTION 11. COORDINATED DATABASE

406 A. The Commission shall provide for the development and maintenance of a
407 coordinated database and reporting system containing licensure, adverse action, and significant
408 investigatory information on all licensed individuals in member states.

409 B. Notwithstanding any other provision of state law to the contrary, a member state
410 shall submit a uniform data set to the coordinated database on all individuals to whom this
411 compact is applicable as required by the rules of the Commission, including:

412 1. Identifying information;

413 2. Licensure data;

414 3. Significant investigatory information;

415 4. Adverse actions against an individual's license;

416 5. An indicator that an individual's privilege to practice is restricted, suspended or
417 revoked;

418 6. Non-confidential information related to alternative program participation;

419 7. Any denial of application for licensure, and the reason(s) for such denial; and

420 8. Other information that may facilitate the administration of this Compact, as
421 determined by the rules of the Commission.

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

425 D. Member states contributing information to the coordinated database may designate
426 information that may not be shared with the public without the express permission of the
427 contributing state.

428 E. Any information submitted to the coordinated database that is subsequently required
429 to be expunged by the laws of the member state contributing the information shall be removed
430 from the coordinated database.

431 SECTION 12. RULEMAKING

432 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
433 forth in this Section and the rules adopted thereunder. Rules and amendments shall become
434 binding as of the date specified in each rule or amendment.

435 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
436 statute or resolution in the same manner used to adopt the Compact, then such rule shall have
437 no further force and effect in any member state.

438 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
439 the Commission.

440 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
441 at least sixty (60) days in advance of the meeting at which the rule will be considered and voted
442 upon, the Commission shall file a Notice of Proposed Rulemaking:

443 1. On the website of the Commission; and

444 2. On the website of each member state EMS authority or the publication in which each
445 state would otherwise publish proposed rules.

446 E. The Notice of Proposed Rulemaking shall include:

447 1. The proposed time, date, and location of the meeting in which the rule will be
448 considered and voted upon;

449 2. The text of the proposed rule or amendment and the reason for the proposed rule;

450 3. A request for comments on the proposed rule from any interested person; and

451 4. The manner in which interested persons may submit notice to the Commission of
452 their intention to attend the public hearing and any written comments.

453 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
454 written data, facts, opinions, and arguments, which shall be made available to the public.

455 G. The Commission shall grant an opportunity for a public hearing before it adopts a
456 rule or amendment if a hearing is requested by:

457 1. At least twenty-five (25) persons;

458 2. A governmental subdivision or agency; or

459 3. An association having at least twenty-five (25) members.

460 H. If a hearing is held on the proposed rule or amendment, the Commission shall
461 publish the place, time, and date of the scheduled public hearing.

462 1. All persons wishing to be heard at the hearing shall notify the executive director of
463 the Commission or other designated member in writing of their desire to appear and testify at
464 the hearing not less than five (5) business days before the scheduled date of the hearing.

465 2. Hearings shall be conducted in a manner providing each person who wishes to
466 comment a fair and reasonable opportunity to comment orally or in writing.

467 3. No transcript of the hearing is required, unless a written request for a transcript is
468 made, in which case the person requesting the transcript shall bear the cost of producing the
469 transcript. A recording may be made in lieu of a transcript under the same terms and
470 conditions as a transcript. This subsection shall not preclude the Commission from making a
471 transcript or recording of the hearing if it so chooses.

472 4. Nothing in this section shall be construed as requiring a separate hearing on each
473 rule. Rules may be grouped for the convenience of the Commission at hearings required by
474 this section.

475 I. Following the scheduled hearing date, or by the close of business on the scheduled
476 hearing date if the hearing was not held, the Commission shall consider all written and oral
477 comments received.

478 J. The Commission shall, by majority vote of all members, take final action on the
479 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
480 record and the full text of the rule.

481 K. If no written notice of intent to attend the public hearing by interested parties is
482 received, the Commission may proceed with promulgation of the proposed rule without a
483 public hearing.

484 L. Upon determination that an emergency exists, the Commission may consider and
485 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided
486 that the usual rulemaking procedures provided in the Compact and in this section shall be
487 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety
488 (90) days after the effective date of the rule. For the purposes of this provision, an emergency
489 rule is one that must be adopted immediately in order to:

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

491 2. Prevent a loss of Commission or member state funds;

492 3. Meet a deadline for the promulgation of an administrative rule that is established by

493 federal law or rule; or

494 4. Protect public health and safety.

495 M. The Commission or an authorized committee of the Commission may direct
496 revisions to a previously adopted rule or amendment for purposes of correcting typographical
497 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
498 revisions shall be posted on the website of the Commission. The revision shall be subject to
499 challenge by any person for a period of thirty (30) days after posting. The revision may be
500 challenged only on grounds that the revision results in a material change to a rule. A challenge
501 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
502 notice period. If no challenge is made, the revision will take effect without further action. If
503 the revision is challenged, the revision may not take effect without the approval of the
504 Commission.

505 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

506 A. Oversight

507 1. The executive, legislative, and judicial branches of state government in each
508 member state shall enforce this compact and take all actions necessary and appropriate to
509 effectuate the compact's purposes and intent. The provisions of this compact and the rules
510 promulgated hereunder shall have standing as statutory law.

511 2. All courts shall take judicial notice of the compact and the rules in any judicial or
512 administrative proceeding in a member state pertaining to the subject matter of this compact
513 which may affect the powers, responsibilities or actions of the Commission.

514 3. The Commission shall be entitled to receive service of process in any such
515 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure
516 to provide service of process to the Commission shall render a judgment or order void as to the
517 Commission, this Compact, or promulgated rules.

518 B. Default, Technical Assistance, and Termination

519 1. If the Commission determines that a member state has defaulted in the performance
520 of its obligations or responsibilities under this compact or the promulgated rules, the
521 Commission shall:

522 a. Provide written notice to the defaulting state and other member states of the nature
523 of the default, the proposed means of curing the default and/or any other action to be taken by

524 the Commission; and

525 b. Provide remedial training and specific technical assistance regarding the default.

526 2. If a state in default fails to cure the default, the defaulting state may be terminated
527 from the Compact upon an affirmative vote of a majority of the member states, and all rights,
528 privileges and benefits conferred by this compact may be terminated on the effective date of
529 termination. A cure of the default does not relieve the offending state of obligations or
530 liabilities incurred during the period of default.

531 3. Termination of membership in the compact shall be imposed only after all other
532 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
533 shall be given by the Commission to the governor, the majority and minority leaders of the
534 defaulting state's legislature, and each of the member states.

535 4. A state that has been terminated is responsible for all assessments, obligations, and
536 liabilities incurred through the effective date of termination, including obligations that extend
537 beyond the effective date of termination.

538 5. The Commission shall not bear any costs related to a state that is found to be in
539 default or that has been terminated from the compact, unless agreed upon in writing between
540 the Commission and the defaulting state.

541 6. The defaulting state may appeal the action of the Commission by petitioning the
542 U.S. District Court for the District of Columbia or the federal district where the Commission
543 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
544 including reasonable attorney's fees.

545 C. Dispute Resolution

546 1. Upon request by a member state, the Commission shall attempt to resolve disputes
547 related to the compact that arise among member states and between member and non-member
548 states.

549 2. The Commission shall promulgate a rule providing for both mediation and binding
550 dispute resolution for disputes as appropriate.

551 D. Enforcement

552 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
553 provisions and rules of this compact.

554 2. By majority vote, the Commission may initiate legal action in the United States

555 District Court for the District of Columbia or the federal district where the Commission has its
556 principal offices against a member state in default to enforce compliance with the provisions of
557 the compact and its promulgated rules and bylaws. The relief sought may include both
558 injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing
559 member shall be awarded all costs of such litigation, including reasonable attorney's fees.

560 3. The remedies herein shall not be the exclusive remedies of the Commission. The
561 Commission may pursue any other remedies available under federal or state law.

562 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
563 COMMISSION FOR EMS PERSONNEL PRACTICE AND
564 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

565 A. The compact shall come into effect on the date on which the compact statute is
566 enacted into law in the tenth member state. The provisions, which become effective at that
567 time, shall be limited to the powers granted to the Commission relating to assembly and the
568 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
569 necessary to the implementation and administration of the compact.

570 B. Any state that joins the compact subsequent to the Commission's initial adoption of
571 the rules shall be subject to the rules as they exist on the date on which the compact becomes
572 law in that state. Any rule that has been previously adopted by the Commission shall have the
573 full force and effect of law on the day the compact becomes law in that state.

574 C. Any member state may withdraw from this compact by enacting a statute repealing
575 the same.

576 1. A member state's withdrawal shall not take effect until six (6) months after
577 enactment of the repealing statute.

578 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
579 EMS authority to comply with the investigative and adverse action reporting requirements of
580 this act prior to the effective date of withdrawal.

581 D. Nothing contained in this compact shall be construed to invalidate or prevent any
582 EMS personnel licensure agreement or other cooperative arrangement between a member state
583 and a non-member state that does not conflict with the provisions of this compact.

584 E. This Compact may be amended by the member states. No amendment to this
585 Compact shall become effective and binding upon any member state until it is enacted into the

586 laws of all member states.

587 SECTION 15. CONSTRUCTION AND SEVERABILITY

588 This Compact shall be liberally construed so as to effectuate the purposes thereof. If
589 this compact shall be held contrary to the constitution of any state member thereto, the compact
590 shall remain in full force and effect as to the remaining member states. Nothing in this
591 compact supersedes state law or rules related to licensure of EMS agencies.

Legislative Review Note
Office of Legislative Research and General Counsel