

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/14/17

A Bill

HOUSE BILL 2015

5 By: Representative Baltz
6

For An Act To Be Entitled

8 AN ACT TO RECOGNIZE THE EMERGENCY MEDICAL SERVICES
9 PERSONNEL LICENSURE INTERSTATE COMPACT; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12
13
14 TO RECOGNIZE THE EMERGENCY MEDICAL
15 SERVICES PERSONNEL LICENSURE INTERSTATE
16 COMPACT.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 *SECTION 1. Arkansas Code Title 20, Chapter 13, is amended to add an*
22 *additional subchapter to read as follows:*
23

SUBCHAPTER 19 – EMS PERSONNEL LICENSURE INTERSTATE COMPACT

Section 1. PURPOSE.

24
25
26
27 *In order to protect the public through verification of competency and*
28 *ensure accountability for patient care related activities all states license*
29 *emergency medical services (EMS) personnel, such as emergency medical*
30 *technicians (EMTs), advanced EMTs and paramedics. This Compact is intended*
31 *to facilitate the day to day movement of EMS personnel across state*
32 *boundaries in the performance of their EMS duties as assigned by an*
33 *appropriate authority and authorize state EMS offices to afford immediate*
34 *legal recognition to EMS personnel licensed in a member state. This Compact*
35 *recognizes that states have a vested interest in protecting the public's*
36 *health and safety through their licensing and regulation of EMS personnel and*



1 that such state regulation shared among the member states will best protect
2 public health and safety. This Compact is designed to achieve the following
3 purposes and objectives:

- 4 1. Increase public access to EMS personnel;
- 5 2. Enhance the states' ability to protect the public's health and
6 safety, especially patient safety;
- 7 3. Encourage the cooperation of member states in the areas of EMS
8 personnel licensure and regulation;
- 9 4. Support licensing of military members who are separating from an
10 active duty tour and their spouses;
- 11 5. Facilitate the exchange of information between member states
12 regarding EMS personnel licensure, adverse action and significant
13 investigatory information;
- 14 6. Promote compliance with the laws governing EMS personnel practice
15 in each member state; and
- 16 7. Invest all member states with the authority to hold EMS personnel
17 accountable through the mutual recognition of member state licenses.

18
19 Section 2. DEFINITIONS.

20 In this compact:

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

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

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

35 D. "Certification" means: the successful verification of entry-level
36 cognitive and psychomotor competency using a reliable, validated, and legally

1 defensible examination.

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

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

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

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

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

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

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

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

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

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

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

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

35 Q. "Significant Investigatory Information" means:

36 1. investigative information that a state EMS authority, after a

1 preliminary inquiry that includes notification and an opportunity to respond
2 if required by state law, has reason to believe, if proved true, would result
3 in the imposition of an adverse action on a license or privilege to practice;
4 or

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

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

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

12
13 Section 3. HOME STATE LICENSURE.

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

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

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

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

24 2. Has a mechanism in place for receiving and investigating
25 complaints about individuals;

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

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

36 5. Complies with the rules of the Commission.

1
2 Section 4. COMPACT PRIVILEGE TO PRACTICE.

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

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

8 1. Be at least eighteen years of age;

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

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

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

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

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

28 F. If an individual's privilege to practice in any remote state is
29 restricted, suspended, or revoked the individual shall not be eligible to
30 practice in any remote state until the individual's privilege to practice is
31 restored.

32
33 Section 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

34 An individual may practice in a remote state under a privilege to
35 practice only in the performance of the individual's EMS duties as assigned
36 by an appropriate authority, as defined in the rules of the Commission, and

1 under the following circumstances:

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

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

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

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

11 5. Other conditions as determined by rules promulgated by the
12 commission.

13
14 Section 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

15 Upon a member state's governor's declaration of a state of emergency or
16 disaster that activates the Emergency Management Assistance Compact, all
17 relevant terms and provisions of EMAC shall apply and to the extent any terms
18 or provisions of this Compact conflicts with EMAC, the terms of EMAC shall
19 prevail with respect to any individual practicing in the remote state in
20 response to such declaration.

21
22 Section 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE
23 DUTY MILITARY, AND THEIR SPOUSES.

24 A. Member states shall consider a veteran, active military service
25 member, and member of the National Guard and reserve components of the armed
26 forces separating from an active duty tour, and a spouse thereof, who holds a
27 current valid and unrestricted NREMT certification at or above the level of
28 the state license being sought as satisfying the minimum training and
29 examination requirements for such licensure.

30 B. Member states shall expedite the processing of licensure
31 applications submitted by veterans, active military service members, and
32 members of the National Guard and reserve components of the armed forces
33 separating from an active duty tour, and their spouses.

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

36

1 Section 8. ADVERSE ACTIONS.

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

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

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

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

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

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

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

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

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

35
36 Section 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S

1 EMS AUTHORITY.

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

4 1. Issue subpoenas for both hearings and investigations that
5 require the attendance and testimony of witnesses and the production of
6 evidence. Subpoenas issued by a member state's EMS authority for the
7 attendance and testimony of witnesses, and/or the production of evidence from
8 another member state, shall be enforced in the remote state by any court of
9 competent jurisdiction, according to that court's practice and procedure in
10 considering subpoenas issued in its own proceedings. The issuing state EMS
11 authority shall pay any witness fees, travel expenses, mileage, and other
12 fees required by the service statutes of the state where the witnesses and/or
13 evidence are located; and

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

16
17 Section 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR
18 EMS PERSONNEL PRACTICE.

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

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

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

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

31 B. Membership, Voting, and Meetings

32 1. Each member state shall have and be limited to one (1)
33 delegate. The responsible official of the state EMS authority or his designee
34 shall be the delegate to this Compact for each member state. Any delegate
35 may be removed or suspended from office as provided by the law of the state
36 from which the delegate is appointed. Any vacancy occurring in the

1 Commission shall be filled in accordance with the laws of the member state in
2 which the vacancy exists. In the event that more than one board, office, or
3 other agency with the legislative mandate to license EMS personnel at and
4 above the level of EMT exists, the Governor of the state will determine which
5 entity will be responsible for assigning the delegate.

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

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

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

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

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

21 b. The employment, compensation, discipline or other
22 personnel matters, practices or procedures related to specific employees or
23 other matters related to the Commission's internal personnel practices and
24 procedures;

25 c. Current, threatened, or reasonably anticipated
26 litigation;

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

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

31 f. Disclosure of trade secrets or commercial or financial
32 information that is privileged or confidential;

33 g. Disclosure of information of a personal nature where
34 disclosure would constitute a clearly unwarranted invasion of personal
35 privacy;

36 h. Disclosure of investigatory records compiled for law

1 enforcement purposes;

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

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

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

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

22 1. Establishing the fiscal year of the Commission;

23 2. Providing reasonable standards and procedures:

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

25 and

26 b. governing any general or specific delegation of any
27 authority or function of the Commission;

28 3. Providing reasonable procedures for calling and conducting
29 meetings of the Commission, ensuring reasonable advance notice of all
30 meetings, and providing an opportunity for attendance of such meetings by
31 interested parties, with enumerated exceptions designed to protect the
32 public's interest, the privacy of individuals, and proprietary information,
33 including trade secrets. The Commission may meet in closed session only after
34 a majority of the membership votes to close a meeting in whole or in part. As
35 soon as practicable, the Commission must make public a copy of the vote to
36 close the meeting revealing the vote of each member with no proxy votes

1 allowed;

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

4 5. Providing reasonable standards and procedures for the
5 establishment of the personnel policies and programs of the Commission.
6 Notwithstanding any civil service or other similar laws of any member state,
7 the bylaws shall exclusively govern the personnel policies and programs of
8 the Commission;

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

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

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

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

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

22 D. The Commission shall have the following powers:

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

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

30 3. To purchase and maintain insurance and bonds;

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

33 5. To hire employees, elect or appoint officers, fix
34 compensation, define duties, grant such individuals appropriate authority to
35 carry out the purposes of the compact, and to establish the Commission's
36 personnel policies and programs relating to conflicts of interest,

1 qualifications of personnel, and other related personnel matters;

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

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

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

12 9. To establish a budget and make expenditures;

13 10. To borrow money;

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

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

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

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

24 E. Financing of the Commission

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

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

31 3. The Commission may levy on and collect an annual assessment
32 from each member state or impose fees on other parties to cover the cost of
33 the operations and activities of the Commission and its staff, which must be
34 in a total amount sufficient to cover its annual budget as approved each year
35 for which revenue is not provided by other sources. The aggregate annual
36 assessment amount shall be allocated based upon a formula to be determined by

1 the Commission, which shall promulgate a rule binding upon all member states.

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

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

13 F. Qualified Immunity, Defense, and Indemnification

14 1. The members, officers, executive director, employees and
15 representatives of the Commission shall be immune from suit and liability,
16 either personally or in their official capacity, for any claim for damage to
17 or loss of property or personal injury or other civil liability caused by or
18 arising out of any actual or alleged act, error or omission that occurred, or
19 that the person against whom the claim is made had a reasonable basis for
20 believing occurred within the scope of Commission employment, duties or
21 responsibilities; provided that nothing in this paragraph shall be construed
22 to protect any such person from suit and/or liability for any damage, loss,
23 injury, or liability caused by the intentional or willful or wanton
24 misconduct of that person.

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

35 3. The Commission shall indemnify and hold harmless any member,
36 officer, executive director, employee, or representative of the Commission

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

8
9 Section 11. COORDINATED DATABASE

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

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

18 1. Identifying information;

19 2. Licensure data;

20 3. Significant investigatory information;

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

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

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

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

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

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

33 D. Member states contributing information to the coordinated database
34 may designate information that may not be shared with the public without the
35 express permission of the contributing state.

36 E. Any information submitted to the coordinated database that is

1 subsequently required to be expunged by the laws of the member state
2 contributing the information shall be removed from the coordinated database.

3
4 Section 12. RULEMAKING

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

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

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

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

19 1. On the website of the Commission; and

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

22 E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

2 2. A governmental subdivision or agency; or

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

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

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

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

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

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

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

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

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

32 L. Upon determination that an emergency exists, the Commission may
33 consider and adopt an emergency rule without prior notice, opportunity for
34 comment, or hearing, provided that the usual rulemaking procedures provided
35 in the Compact and in this section shall be retroactively applied to the rule
36 as soon as reasonably possible, in no event later than ninety (90) days after

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

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

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

5 3. Meet a deadline for the promulgation of an administrative
6 rule that is established by federal law or rule; or

7 4. Protect public health and safety.

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

20
21 Section 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

22 A. Oversight

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

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

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

1 B. Default, Technical Assistance, and Termination

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

5 a. Provide written notice to the defaulting state and
6 other member states of the nature of the default, the proposed means of
7 curing the default and/or any other action to be taken by the Commission; and

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

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

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

21 4. A state that has been terminated is responsible for all
22 assessments, obligations, and liabilities incurred through the effective date
23 of termination, including obligations that extend beyond the effective date
24 of termination.

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

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

34 C. Dispute Resolution

35 1. Upon request by a member state, the Commission shall attempt
36 to resolve disputes related to the compact that arise among member states and

1 between member and non-member states.

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

4 D. Enforcement

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

7 2. By majority vote, the Commission may initiate legal action in
8 the United States District Court for the District of Columbia or the federal
9 district where the Commission has its principal offices against a member
10 state in default to enforce compliance with the provisions of the compact and
11 its promulgated rules and bylaws. The relief sought may include both
12 injunctive relief and damages. In the event judicial enforcement is
13 necessary, the prevailing member shall be awarded all costs of such
14 litigation, including reasonable attorney's fees.

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

18
19 Section 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
20 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

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

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

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

36 2. Withdrawal shall not affect the continuing requirement of the

1 withdrawing state's EMS authority to comply with the investigative and
2 adverse action reporting requirements of this act prior to the effective date
3 of withdrawal.

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

8 E. This Compact may be amended by the member states. No amendment to
9 this Compact shall become effective and binding upon any member state until
10 it is enacted into the laws of all member states.

11
12 Section 15. CONSTRUCTION AND SEVERABILITY

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

18
19 /s/Baltz
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36