

SECOND REGULAR SESSION

SENATE BILL NO. 931

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDDLE.

Read 1st time January 18, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5970S.011

AN ACT

To repeal section 190.142, RSMo, and to enact in lieu thereof fifteen new sections relating to emergency medical services personnel.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 190.142, RSMo, is repealed and fifteen new sections
2 enacted in lieu thereof, to be known as sections 190.142, 334.1500, 334.1503,
3 334.1506, 334.1509, 334.1512, 334.1515, 334.1518, 334.1521, 334.1524, 334.1527,
4 334.1530, 334.1533, 334.1536, and 334.1539, to read as follows:

190.142. 1. **(1) For applications submitted before the recognition**
2 **of EMS personnel licensure interstate compact under sections 334.1500**
3 **to 334.1539 takes effect**, the department shall, within a reasonable time after
4 receipt of an application, cause such investigation as it deems necessary to be
5 made of the applicant for an emergency medical technician's license; **and**
6 **(2) For applications submitted after the recognition of EMS**
7 **personnel licensure interstate compact under sections 334.1500 to**
8 **334.1539 takes effect, an applicant for initial licensure as an emergency**
9 **medical technician in this state shall submit to a background check by**
10 **the Missouri state highway patrol and the Federal Bureau of**
11 **Investigation through a process approved by the department of health**
12 **and senior services. Such processes may include the use of vendors or**
13 **systems administered by the Missouri state highway patrol. The**
14 **department may share the results of such a criminal background check**
15 **with any emergency services licensing agency in any member state, as**
16 **that term is defined under section 334.1500, of the recognition of EMS**
17 **personnel licensure interstate compact. The department shall not issue**
18 **a license until the department receives the results of an applicant's**

19 **criminal background check from the Missouri state highway patrol and**
20 **the Federal Bureau of Investigation, but, notwithstanding this**
21 **subsection, the department may issue a temporary license as provided**
22 **under section 190.143. Any fees due for a criminal background check**
23 **shall be paid by the applicant.**

24 The director may authorize investigations into criminal records in other states for
25 any applicant.

26 2. The department shall issue a license to all levels of emergency medical
27 technicians, for a period of five years, if the applicant meets the requirements
28 established pursuant to sections 190.001 to 190.245 and the rules adopted by the
29 department pursuant to sections 190.001 to 190.245. The department may
30 promulgate rules relating to the requirements for an emergency medical
31 technician including but not limited to:

32 (1) Age requirements;

33 (2) Education and training requirements based on respective national
34 curricula of the United States Department of Transportation and any modification
35 to such curricula specified by the department through rules adopted pursuant to
36 sections 190.001 to 190.245;

37 (3) Initial licensure testing requirements. Initial EMT-P licensure testing
38 shall be through the national registry of EMTs or examinations developed and
39 administered by the department of health and senior services;

40 (4) Continuing education and relicensure requirements; and

41 (5) Ability to speak, read and write the English language.

42 3. Application for all levels of emergency medical technician license shall
43 be made upon such forms as prescribed by the department in rules adopted
44 pursuant to sections 190.001 to 190.245. The application form shall contain such
45 information as the department deems necessary to make a determination as to
46 whether the emergency medical technician meets all the requirements of sections
47 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to
48 190.245.

49 4. All levels of emergency medical technicians may perform only that
50 patient care which is:

51 (1) Consistent with the training, education and experience of the
52 particular emergency medical technician; and

53 (2) Ordered by a physician or set forth in protocols approved by the
54 medical director.

55 5. No person shall hold themselves out as an emergency medical
56 technician or provide the services of an emergency medical technician unless such
57 person is licensed by the department.

58 6. Any rule or portion of a rule, as that term is defined in section 536.010,
59 that is created under the authority delegated in this section shall become effective
60 only if it complies with and is subject to all of the provisions of chapter 536 and,
61 if applicable, section 536.028. This section and chapter 536 are nonseverable and
62 if any of the powers vested with the general assembly pursuant to chapter 536 to
63 review, to delay the effective date, or to disapprove and annul a rule are
64 subsequently held unconstitutional, then the grant of rulemaking authority and
65 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**334.1500. 1. The "Recognition of EMS Personnel Licensure
2 Interstate Compact" (REPLICA) is hereby enacted into law and entered
3 into with all other jurisdictions legally joining therein, in the form
4 substantially as follows in sections 334.1500 to 334.1539.**

5 **2. As used in sections 334.1500 to 334.1539, the following terms
6 mean:**

7 **(1) "Advanced emergency medical technician" or "AEMT", an
8 individual licensed with cognitive knowledge and a scope of practice
9 that corresponds to that level in the National EMS Education Standards
10 and National EMS Scope of Practice Model;**

11 **(2) "Adverse action", any administrative, civil, equitable, or
12 criminal action permitted by a state's laws that may be imposed against
13 licensed EMS personnel by a state EMS authority or state court
14 including, but not limited to, actions against an individual's license
15 such as revocation, suspension, probation, consent agreement,
16 monitoring or other limitation, or encumbrance on the individual's
17 practice, letters of reprimand or admonition, fines, criminal
18 convictions, and state court judgments enforcing adverse actions by the
19 state EMS authority;**

20 **(3) "Certification", the successful verification of entry-level
21 cognitive and psychomotor competency using a reliable, validated, and
22 legally defensible examination;**

23 **(4) "Commission", the national administrative body of which all
24 states that have enacted the compact are members;**

25 **(5) "Emergency medical technician" or "EMT", an individual
26 licensed with cognitive knowledge and a scope of practice that**

27 corresponds to that level in the National EMS Education Standards and
28 National EMS Scope of Practice Model;

29 (6) "EMS", emergency medical services;

30 (7) "Home state", a member state where an individual is licensed
31 to practice emergency medical services;

32 (8) "License", the authorization by a state for an individual to
33 practice as an EMT, AEMT, paramedic, or a level in between EMT and
34 paramedic;

35 (9) "Medical director", a physician licensed in a member state
36 who is accountable for the care delivered by EMS personnel;

37 (10) "Member state", a state that has enacted this compact;

38 (11) "Paramedic", an individual licensed with cognitive
39 knowledge and a scope of practice that corresponds to that level in the
40 National EMS Education Standards and National EMS Scope of Practice
41 Model;

42 (12) "Privilege to practice", an individual's authority to deliver
43 emergency medical services in remote states as authorized under this
44 compact;

45 (13) "Remote state", a member state in which an individual is not
46 licensed;

47 (14) "Restricted", the outcome of an adverse action that limits a
48 license or the privilege to practice;

49 (15) "Rule", a written statement by the interstate commission
50 promulgated under section 334.1530 of this compact that is of general
51 applicability; implements, interprets, or prescribes a policy or
52 provision of the compact; or is an organizational, procedural, or
53 practice requirement of the commission and has the force and effect of
54 statutory law in a member state and includes the amendment, repeal,
55 or suspension of an existing rule;

56 (16) "Scope of practice", defined parameters of various duties or
57 services that may be provided by an individual with specific
58 credentials. Whether regulated by rule, statute, or court decision, it
59 tends to represent the limits of services an individual may perform;

60 (17) "Significant investigatory information":

61 (a) Investigative information that a state EMS authority, after a
62 preliminary inquiry that includes notification and an opportunity to
63 respond if required by state law, has reason to believe, if proven true,

64 would result in the imposition of an adverse action on a license or
65 privilege to practice; or

66 (b) Investigative information that indicates that the individual
67 represents an immediate threat to public health and safety, regardless
68 of whether the individual has been notified and had an opportunity to
69 respond;

70 (18) "State", any state, commonwealth, district, or territory of the
71 United States;

72 (19) "State EMS authority", the board, office, or other agency
73 with the legislative mandate to license EMS personnel.

334.1503. 1. Any member state in which an individual holds a
2 current license shall be deemed a home state for purposes of this
3 compact.

4 2. Any member state may require an individual to obtain and
5 retain a license to be authorized to practice in the member state under
6 circumstances not authorized by the privilege to practice under the
7 terms of this compact.

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

10 (1) Currently requires the use of the National Registry of
11 Emergency Medical Technicians (NREMT) examination as a condition
12 of issuing initial licenses at the EMT and paramedic levels;

13 (2) Has a mechanism in place for receiving and investigating
14 complaints about individuals;

15 (3) Notifies the commission, in compliance with the terms herein,
16 of any adverse action or significant investigatory information
17 regarding an individual;

18 (4) No later than five years after activation of the compact,
19 requires a criminal background check of all applicants for initial
20 licensure, including the use of the results of fingerprint or other
21 biometric data checks compliant with the requirements of the Federal
22 Bureau of Investigation, with the exception of federal employees who
23 have suitability determination in accordance with 5 CFR 731.202 and
24 submit documentation of such as promulgated in the rules of the
25 commission; and

26 (5) Complies with the rules of the commission.

334.1506. 1. Member states shall recognize the privilege to

2 practice of an individual licensed in another member state that is in
3 conformance with section 334.1503.

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

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

7 (2) Possess a current unrestricted license in a member state as
8 an EMT, AEMT, paramedic, or state-recognized and licensed level with
9 a scope of practice and authority between EMT and paramedic; and

10 (3) Practice under the supervision of a medical director.

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

16 4. Except as provided in subsection 3 of this section, an
17 individual practicing in a remote state shall be subject to the remote
18 state's authority and laws. A remote state may, in accordance with due
19 process and that state's laws, restrict, suspend, or revoke an
20 individual's privilege to practice in the remote state and may take any
21 other necessary actions to protect the health and safety of its citizens.
22 If a remote state takes action, it shall promptly notify the home state
23 and the commission.

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

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

334.1509. An individual may practice in a remote state under a
2 privilege to practice only in the performance of the individual's EMS
3 duties as assigned by an appropriate authority, as defined in the rules
4 of the commission, and under the following circumstances:

5 (1) The individual originates a patient transport in a home state
6 and transports the patient to a remote state;

7 (2) The individual originates in the home state and enters a

8 remote state to pick up a patient and provides care and transport of
9 the patient to the home state;

10 (3) The individual enters a remote state to provide patient care
11 or transport within that remote state;

12 (4) The individual enters a remote state to pick up a patient and
13 provides care and transport to a third member state; or

14 (5) Other conditions as determined by rules promulgated by the
15 commission.

334.1512. Upon a member state's governor's declaration of a state
2 of emergency or disaster that activates the Emergency Management
3 Assistance Compact (EMAC), all relevant terms and provisions of EMAC
4 shall apply, and to the extent any terms or provisions of this compact
5 conflict with EMAC, the terms of EMAC shall prevail with respect to
6 any individual practicing in the remote state in response to such
7 declaration.

334.1515. 1. Member states shall consider a veteran, active
2 military service member, or member of the National Guard and
3 Reserves separating from an active duty tour, or a spouse thereof, who
4 holds a current, valid, and unrestricted NREMT certification at or
5 above the level of the state license being sought as satisfying the
6 minimum training and examination requirements for such licensure.

7 2. Member states shall expedite the process of licensure
8 applications submitted by veterans, active military service members,
9 or members of the National Guard and Reserves separating from an
10 active duty tour, or their spouses.

11 3. All individuals functioning with a privilege to practice under
12 this section remain subject to the adverse action provisions of section
13 334.1518.

334.1518. 1. A home state shall have exclusive power to impose
2 adverse action against an individual's license issued by the home state.

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

7 (1) All home state adverse action orders shall include a
8 statement that the individual's compact privileges are inactive. The
9 order may allow the individual to practice in remote states with prior

10 written authorization from both the home state and the remote state's
11 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
15 authority.

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

20 4. A remote state may take adverse action on an individual's
21 privilege to practice within that state.

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

26 6. A home state's EMS authority shall coordinate investigative
27 activities, share information via the coordinated database, and take
28 appropriate action with respect to reported conduct in a remote state
29 as it would if such conduct had occurred within the home state. In
30 such cases, the home state's law shall control in determining the
31 appropriate adverse action.

32 7. Nothing in this compact shall override a member state's
33 decision that participation in an alternative program may be used in
34 lieu of adverse action and that such participation shall remain
35 nonpublic if required by the member state's laws. Member states shall
36 require individuals who enter any alternative programs to agree not to
37 practice in any other member state during the term of the alternative
38 program without prior authorization from such other member state.

334.1521. A member state's EMS authority, in addition to any
2 other powers granted under state law, is authorized under this compact
3 to:

4 (1) Issue subpoenas for both hearings and investigations that
5 require the attendance and testimony of witnesses and the production
6 of evidence. Subpoenas issued by a member state's EMS authority for
7 the attendance and testimony of witnesses or the production of
8 evidence from another member state shall be enforced in the remote

9 state by any court of competent jurisdiction according to that court's
10 practice and procedure in considering subpoenas issued in its own
11 proceedings. The issuing state's EMS authority shall pay any witness
12 fees, travel expenses, mileage, and other fees required by the service
13 statutes of the state where the witnesses or evidence is located; and

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

334.1524. 1. The compact states hereby create and establish a
2 joint public agency known as the "Interstate Commission for EMS
3 Personnel Practice".

4 (1) The commission is a body politic and an instrumentality of
5 the compact states.

6 (2) Venue is proper and judicial proceedings by or against the
7 commission shall be brought solely and exclusively in a court of
8 competent jurisdiction where the principal office of the commission is
9 located. The commission may waive venue and jurisdictional defenses
10 to the extent it adopts or consents to participate in alternative dispute
11 resolution proceedings.

12 (3) Nothing in this compact shall be construed to be a waiver of
13 sovereign immunity.

14 2. Each member state shall have and be limited to one
15 delegate. The responsible official of the state EMS authority or his or
16 her designee shall be the delegate to this compact for each member
17 state. Any delegate may be removed or suspended from office as
18 provided by the law of the state from which the delegate is
19 appointed. Any vacancy occurring in the commission shall be filled in
20 accordance with the laws of the member state in which the vacancy
21 exists. In the event that more than one board, office, or other agency
22 with the legislative mandate to license EMS personnel at and above the
23 level of EMT exists, the governor of the state shall determine which
24 entity shall be responsible for assigning the delegate.

25 (1) Each delegate shall be entitled to one vote with regard to the
26 promulgation of rules and creation of bylaws, and shall otherwise have
27 an opportunity to participate in the business and affairs of the
28 commission. A delegate shall vote in person or by such other means as
29 provided in the bylaws. The bylaws may provide for delegates'
30 participation in meetings by telephone or other means of

31 **communication.**

32 **(2) The commission shall meet at least once during each calendar**
33 **year. Additional meetings shall be held as set forth in the bylaws.**

34 **(3) All meetings shall be open to the public, and public notice of**
35 **meetings shall be given in the same manner as required under the**
36 **rulemaking provisions in section 334.1530.**

37 **(4) The commission may convene in a closed, nonpublic meeting**
38 **if the commission must discuss:**

39 **(a) Noncompliance of a member state with its obligations under**
40 **the compact;**

41 **(b) The employment, compensation, discipline or other personnel**
42 **matters, practices, or procedures related to specific employees, or other**
43 **matters related to the commission's internal personnel practices and**
44 **procedures;**

45 **(c) Current, threatened, or reasonably anticipated litigation;**

46 **(d) Negotiation of contracts for the purchase or sale of goods,**
47 **services, or real estate;**

48 **(e) Accusing any person of a crime or formally censuring any**
49 **person;**

50 **(f) Disclosure of trade secrets or commercial or financial**
51 **information that is privileged or confidential;**

52 **(g) Disclosure of information of a personal nature if disclosure**
53 **would constitute a clearly unwarranted invasion of personal privacy;**

54 **(h) Disclosure of investigatory records compiled for law**
55 **enforcement purposes;**

56 **(i) Disclosure of information related to any investigatory reports**
57 **prepared by or on behalf of or for use of the commission or other**
58 **committee charged with responsibility of investigation or**
59 **determination of compliance issues pursuant to the compact; or**

60 **(j) Matters specifically exempted from disclosure by federal or**
61 **member state statute.**

62 **(5) If a meeting or portion of a meeting is closed under this**
63 **section, the commission's legal counsel or designee shall certify that the**
64 **meeting may be closed and shall reference each relevant exempting**
65 **provision. The commission shall keep minutes that fully and clearly**
66 **describe all matters discussed in a meeting and shall provide a full and**
67 **accurate summary of actions taken and the reasons therefor, including**

68 a description of the views expressed. All documents considered in
69 connection with an action shall be identified in such minutes. All
70 minutes and documents of a closed meeting shall remain under seal,
71 subject to release by a majority vote of the commission or order of a
72 court of competent jurisdiction.

73 3. The commission shall, by a majority vote of the delegates,
74 prescribe bylaws and rules to govern its conduct as may be necessary
75 or appropriate to carry out the purposes and exercise the powers of the
76 compact including, but not limited to:

77 (1) Establishing the fiscal year of the commission;

78 (2) Providing reasonable standards and procedures:

79 (a) For the establishment and meetings of other committees; and

80 (b) Governing any general or specific delegation of any authority
81 or function of the commission;

82 (3) Providing reasonable procedures for calling and conducting
83 meetings of the commission, ensuring reasonable advance notice of all
84 meetings, and providing an opportunity for attendance of such
85 meetings by interested parties, with enumerated exceptions designed
86 to protect the public's interest, the privacy of individuals, and
87 proprietary information, including trade secrets. The commission may
88 meet in closed session only after a majority of the membership votes to
89 close a meeting in whole or in part. As soon as practicable, the
90 commission shall make public a copy of the vote to close the meeting
91 revealing the vote of each member with no proxy votes allowed;

92 (4) Establishing the titles, duties and authority, and reasonable
93 procedures for the election of the officers of the commission;

94 (5) Providing reasonable standards and procedures for the
95 establishment of the personnel policies and programs of the
96 commission. Notwithstanding any civil service or other similar laws of
97 any member state, the bylaws shall exclusively govern the personnel
98 policies and programs of the commission;

99 (6) Promulgating a code of ethics to address permissible and
100 prohibited activities of commission members and employees;

101 (7) Providing a mechanism for winding up the operations of the
102 commission and the equitable disposition of any surplus funds that may
103 exist after the termination of the compact after the payment or
104 reserving of all of its debts and obligations;

105 (8) The commission shall publish its bylaws and file a copy
106 thereof, and a copy of any amendment thereto, with the appropriate
107 agency or officer in each of the member states, if any;

108 (9) The commission shall maintain its financial records in
109 accordance with the bylaws; and

110 (10) The commission shall meet and take such actions as are
111 consistent with the provisions of this compact and the bylaws.

112 4. The commission shall have the following powers:

113 (1) To promulgate uniform rules to facilitate and coordinate
114 implementation and administration of this compact. The rules shall
115 have the force and effect of law and shall be binding on all member
116 states;

117 (2) To bring and prosecute legal proceedings or actions in the
118 name of the commission; provided that, the standing of any state EMS
119 authority or other regulatory body responsible for EMS personnel
120 licensure to sue or be sued under applicable law shall not be affected;

121 (3) To purchase and maintain insurance and bonds;

122 (4) To borrow, accept, or contract for services of personnel
123 including, but not limited to, employees of a member state;

124 (5) To hire employees, elect or appoint officers, fix compensation,
125 define duties, grant such individuals appropriate authority to carry out
126 the purposes of the compact, and to establish the commission's
127 personnel policies and programs relating to conflicts of interest,
128 qualifications of personnel, and other related personnel matters;

129 (6) To accept any and all appropriate donations and grants of
130 money, equipment, supplies, materials, and services, and to receive,
131 utilize, and dispose of the same; provided that, at all times the
132 commission shall strive to avoid any appearance of impropriety and
133 conflict of interest;

134 (7) To lease, purchase, accept appropriate gifts or donations of,
135 or otherwise to own, hold, improve, or use any property, real, personal,
136 or mixed; provided that, at all times the commission shall strive to
137 avoid any appearance of impropriety;

138 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon,
139 or otherwise dispose of any property, real, personal, or mixed;

140 (9) To establish a budget and make expenditures;

141 (10) To borrow money;

142 (11) To appoint committees, including advisory committees
143 comprised of members, state regulators, state legislators or their
144 representatives, consumer representatives, and such other interested
145 persons as may be designated in this compact and the bylaws;

146 (12) To provide and receive information from, and to cooperate
147 with, law enforcement agencies;

148 (13) To adopt and use an official seal; and

149 (14) To perform such other functions as may be necessary or
150 appropriate to achieve the purposes of this compact consistent with the
151 state regulation of EMS personnel licensure and practice.

152 5. (1) The commission shall pay, or provide for the payment of,
153 the reasonable expenses of its establishment, organization, and ongoing
154 activities.

155 (2) The commission may accept any and all appropriate revenue
156 sources, donations, and grants of money, equipment, supplies,
157 materials, and services.

158 (3) The commission may levy on and collect an annual
159 assessment from each member state or impose fees on other parties to
160 cover the cost of the operations and activities of the commission and its
161 staff, which shall be in a total amount sufficient to cover its annual
162 budget as approved each year for which revenue is not provided by
163 other sources. The aggregate annual assessment amount shall be
164 allocated based upon a formula to be determined by the commission,
165 which shall promulgate a rule binding upon all member states.

166 (4) The commission shall not incur obligations of any kind prior
167 to securing the funds adequate to meet the same; nor shall the
168 commission pledge the credit of any of the member states, except by
169 and with the authority of the member state.

170 (5) The commission shall keep accurate accounts of all receipts
171 and disbursements. The receipts and disbursements of the commission
172 shall be subject to the audit and accounting procedures established
173 under its bylaws. However, all receipts and disbursements of funds
174 handled by the commission shall be audited yearly by a certified or
175 licensed public accountant, and the report of the audit shall be
176 included in and become part of the annual report of the commission.

177 6. (1) The members, officers, executive director, employees, and
178 representatives of the commission shall be immune from suit and

179 liability, either personally or in their official capacity, for any claim,
180 damage to or loss of property, personal injury, or other civil liability
181 caused by or arising out of any actual or alleged act, error, or omission
182 that occurred or that the person against whom the claim is made had
183 a reasonable basis for believing occurred within the scope of
184 commission employment, duties, or responsibilities; provided that,
185 nothing in this subdivision shall be construed to protect any such
186 person from suit or liability for any damage, loss, injury, or liability
187 caused by the intentional, willful, or wanton misconduct of that person.

188 (2) The commission shall defend any member, officer, executive
189 director, employee, or representative of the commission in any civil
190 action seeking to impose liability arising out of any actual or alleged
191 act, error, or omission that occurred within the scope of commission
192 employment, duties, or responsibilities, or that the person against
193 whom the claim is made had a reasonable basis for believing occurred
194 within the scope of commission employment, duties, or responsibilities;
195 provided that, nothing herein shall be construed to prohibit that person
196 from retaining his or her own counsel; and provided further, that the
197 actual or alleged act, error, or omission did not result from that
198 person's intentional, willful, or wanton misconduct.

199 (3) The commission shall indemnify and hold harmless any
200 member, officer, executive director, employee, or representative of the
201 commission for the amount of any settlement or judgment obtained
202 against that person arising out of any actual or alleged act, error, or
203 omission that occurred within the scope of commission employment,
204 duties, or responsibilities, or that such person had a reasonable basis
205 for believing occurred within the scope of commission employment,
206 duties, or responsibilities; provided that, the actual or alleged act,
207 error, or omission did not result from the intentional, willful, or wanton
208 misconduct of the person.

334.1527. 1. The commission shall provide for the development
2 and maintenance of a coordinated database and reporting system
3 containing licensure, adverse action, and significant investigatory
4 information on all licensed individuals in member states.

5 2. Notwithstanding any other provision of state law to the
6 contrary, a member state shall submit a uniform data set to the
7 coordinated database on all individuals to whom this compact is

8 applicable as required by the rules of the commission, including:

- 9 (1) Identifying information;
- 10 (2) Licensure data;
- 11 (3) Significant investigatory information;
- 12 (4) Adverse actions against an individual's license;
- 13 (5) An indicator that an individual's privilege to practice is
14 restricted, suspended, or revoked;
- 15 (6) Nonconfidential information related to alternative program
16 participation;
- 17 (7) Any denial of application for licensure and the reasons for
18 such denial; and
- 19 (8) Other information that may facilitate the administration of
20 this compact, as determined by the rules of the commission.

21 3. The coordinated database administrator shall promptly notify
22 all member states of any adverse action taken against, or significant
23 investigative information on, any individual in a member state.

24 4. Member states contributing information to the coordinated
25 database may designate information that shall not be shared with the
26 public without the express permission of the contributing state.

27 5. Any information submitted to the coordinated database that
28 is subsequently required to be expunged by the laws of the member
29 state contributing the information shall be removed from the
30 coordinated database.

334.1530. 1. The commission shall exercise its rulemaking
2 powers pursuant to the criteria set forth in this section and the rules
3 adopted thereunder. Rules and amendments shall become binding as
4 of the date specified in each rule or amendment.

5 2. If a majority of the legislatures of the member states rejects
6 a rule by enactment of a statute or resolution in the same manner used
7 to adopt the compact, then such rule shall have no further force and
8 effect in any member state.

9 3. Rules or amendments to the rules shall be adopted at a regular
10 or special meeting of the commission.

11 4. Prior to promulgation and adoption of a final rule or rules by
12 the commission, and at least sixty days in advance of the meeting at
13 which the rule or rules shall be considered and voted upon, the
14 commission shall file a notice of proposed rulemaking:

15 (1) On the website of the commission; and

16 (2) On the website of each member state's EMS authority or the
17 publication in which each state would otherwise publish proposed
18 rules.

19 5. The notice of proposed rulemaking shall include:

20 (1) The proposed time, date, and location of the meeting at which
21 the rule shall be considered and voted upon;

22 (2) The text of the proposed rule or amendment and the reason
23 for the proposed rule;

24 (3) A request for comments on the proposed rule from any
25 interested person; and

26 (4) The manner in which interested parties may submit notice to
27 the commission of their intention to attend the public hearing and any
28 written comments.

29 6. Prior to adoption of a proposed rule, the commission shall
30 allow persons to submit written data, facts, opinions, and arguments
31 that shall be made available to the public.

32 7. The commission shall grant an opportunity for a public
33 hearing before it adopts a rule or amendment if a hearing is requested
34 by:

35 (1) At least twenty-five persons;

36 (2) A governmental subdivision or agency; or

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

38 8. If a hearing is held on the proposed rule or amendment, the
39 commission shall publish the place, time, and date of the scheduled
40 public hearing.

41 (1) All persons wishing to be heard at the hearing shall notify the
42 executive director of the commission or other designated member in
43 writing of their desire to appear and testify at the hearing not less than
44 five business days before the scheduled date of the hearing.

45 (2) Hearings shall be conducted in a manner providing each
46 person who wishes to comment a fair and reasonable opportunity to
47 comment orally or in writing.

48 (3) No transcript of the hearing is required, unless a written
49 request for a transcript is made, in which case the person requesting
50 the transcript shall bear the cost of producing the transcript. A
51 recording may be made in lieu of a transcript under the same terms

52 and conditions as a transcript. This subdivision shall not preclude the
53 commission from making a transcript or recording of the hearing if it
54 so chooses.

55 (4) Nothing in this section shall be construed as requiring a
56 separate hearing on each rule. Rules may be grouped for the
57 convenience of the commission at hearings required by this section.

58 9. Following the scheduled hearing date, or by the close of
59 business on the scheduled hearing date if the hearing was not held, the
60 commission shall consider all written and oral comments received.

61 10. The commission shall, by majority vote of all members, take
62 final action on the proposed rule and shall determine the effective date
63 of the rule, if any, based on the rulemaking record and the full text of
64 the rule.

65 11. If no written notice of intent to attend the public hearing by
66 interested parties is received, the commission may proceed with
67 promulgation of the proposed rule without a public hearing.

68 12. Upon determination that an emergency exists, the
69 commission may consider and adopt an emergency rule without prior
70 notice, opportunity for comment, or hearing; provided that, the usual
71 rulemaking procedures provided in the compact and in this section
72 shall be retroactively applied to the rule as soon as reasonably possible,
73 in no event later than ninety days after the effective date of the
74 rule. For the purposes of this provision, an emergency rule is one that
75 shall be adopted immediately in order to:

76 (1) Meet an imminent threat to public health, safety, or welfare;

77 (2) Prevent a loss of commission or member state funds;

78 (3) Meet a deadline for the promulgation of an administrative
79 rule that is established by federal law or rule; or

80 (4) Protect public health and safety.

81 13. The commission or an authorized committee of the
82 commission may direct revisions to a previously adopted rule or
83 amendment for purposes of correcting typographical errors, errors in
84 format, errors in consistency, or grammatical errors. Public notice of
85 any revisions shall be posted on the website of the commission. The
86 revision shall be subject to challenge by any person for a period of
87 thirty days after posting. The revision may be challenged only on
88 grounds that the revision results in a material change to a rule. A

89 challenge shall be made in writing and delivered to the chair of the
90 commission prior to the end of the notice period. If no challenge is
91 made, the revision shall take effect without further action. If the
92 revision is challenged, the revision may not take effect without the
93 approval of the commission.

334.1533. 1. The executive, legislative, and judicial branches of
2 state government in each member state shall enforce this compact and
3 take all actions necessary and appropriate to effectuate the compact's
4 purposes and intent. The provisions of this compact and the rules
5 promulgated hereunder shall have standing as statutory law.

6 2. All courts shall take judicial notice of the compact and the
7 rules in any judicial or administrative proceedings in a member state
8 pertaining to the subject matter of this compact which may affect the
9 powers, responsibilities, or actions of the commission.

10 3. The commission shall be entitled to receive service of process
11 in any such proceeding and shall have standing to intervene in such a
12 proceeding for all purposes. Failure to provide service of process to
13 the commission shall render a judgment or order void as to the
14 commission, this compact, or promulgated rules.

15 4. If the commission determines that a member state has
16 defaulted in the performance of its obligations or responsibilities under
17 this compact or the promulgated rules, the commission shall:

18 (1) Provide written notice to the defaulting state and other
19 member states of the nature of the default, the proposed means of
20 curing the default, or any other action to be taken by the commission;
21 and

22 (2) Provide remedial training and specific technical assistance
23 regarding the default.

24 5. If a state in default fails to cure the default, the defaulting
25 state may be terminated from the compact upon an affirmative vote of
26 a majority of the member states, and all rights, privileges, and benefits
27 conferred by this compact may be terminated on the effective date of
28 termination. A cure of the default does not relieve the offending state
29 of obligations or liabilities incurred during the period of default.

30 6. Termination of membership in the compact shall be imposed
31 only after all other means of securing compliance have been
32 exhausted. Notice of intent to suspend or terminate shall be given by

33 the commission to the governor, the majority and minority leaders of
34 the defaulting state's legislature, and each of the member states.

35 7. A state that has been terminated is responsible for all
36 assessments, obligations, and liabilities incurred through the effective
37 date of termination, including obligations that extend beyond the
38 effective date of termination.

39 8. The commission shall not bear any costs related to a state that
40 is found to be in default or that has been terminated from the compact
41 unless agreed upon in writing between the commission and the
42 defaulting state.

43 9. The defaulting state may appeal the action of the commission
44 by petitioning the United States District Court for the District of
45 Columbia or the federal district where the commission has its principal
46 offices. The prevailing member shall be awarded all costs of such
47 litigation, including reasonable attorney's fees.

48 10. Upon a request by a member state, the commission shall
49 attempt to resolve disputes related to the compact that arise among
50 member states and between member and nonmember states.

51 11. The commission shall promulgate a rule providing for both
52 mediation and binding dispute resolution for disputes as appropriate.

53 12. The commission, in the reasonable exercise of its discretion,
54 shall enforce the provisions and rules of this compact.

55 13. By majority vote, the commission may initiate legal action in
56 the United States District Court for the District of Columbia or the
57 federal district where the commission has its principal offices against
58 a member state in default to enforce compliance with the provisions of
59 the compact and its promulgated rules and bylaws. The relief sought
60 may include both injunctive relief and damages. In the event judicial
61 enforcement is necessary, the prevailing member shall be awarded all
62 costs of such litigation, including reasonable attorney's fees.

63 14. The remedies herein shall not be the exclusive remedies of
64 the commission. The commission may pursue any other remedies
65 available under federal or state law.

334.1536. 1. The compact shall come into effect on the date on
2 which the compact statute is enacted into law in the tenth member
3 state. The provisions, which become effective at that time, shall be
4 limited to the powers granted to the commission relating to assembly

5 and the promulgation of rules. Thereafter, the commission shall meet
6 and exercise rulemaking powers necessary to the implementation and
7 administration of the compact.

8 2. Any state that joins the compact subsequent to the
9 commission's initial adoption of the rules shall be subject to the rules
10 as they exist on the date on which the compact becomes law in that
11 state. Any rule that has been previously adopted by the commission
12 shall have the full force and effect of law on the day the compact
13 becomes law in that state.

14 3. Any member state may withdraw from this compact by
15 enacting a statute repealing the same.

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

18 (2) Withdrawal shall not affect the continuing requirement of the
19 withdrawing state's EMS authority to comply with the investigative and
20 adverse action reporting requirements of this act prior to the effective
21 date of withdrawal.

22 4. Nothing contained in this compact shall be construed to
23 invalidate or prevent any EMS personnel licensure agreement or other
24 cooperative arrangement between a member state and a nonmember
25 state that does not conflict with the provisions of this compact.

26 5. This compact may be amended by the member states. No
27 amendment to this compact shall become effective and binding upon
28 any member state until it is enacted into the laws of all member states.

334.1539. This compact shall be liberally construed so as to
2 effectuate the purposes thereof. If this compact shall be held contrary
3 to the constitution of any member state thereto, the compact shall
4 remain in full force and effect as to the remaining member
5 states. Nothing in this compact supersedes state law or rules related
6 to licensure of EMS agencies.

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