

JAN 19 2022

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# A BILL FOR AN ACT

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RELATING TO THE EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE  
INTERSTATE COMPACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The purpose of this Act is to approve the  
2       Emergency Medical Services Personnel Licensure Interstate  
3       Compact and to become a member of the Emergency Services  
4       Personnel Licensure Interstate Compact.

5       SECTION 2. The Hawaii Revised Statutes is amended by  
6       adding a new chapter to be appropriately designated and to read  
7       as follows:

8                               **"CHAPTER**

9                   **EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE**

10                               **COMPACT**

11       §   -1   **Short title.** This chapter may be cited as the  
12       Recognition of EMS Personnel Licensure Interstate Compact Act or  
13       "REPLICA".

14       §   -2   **Enactment of compact.** The emergency medical  
15       services personnel licensure interstate compact is hereby  
16       enacted into law and entered into by the State of Hawaii as a



1 party, and is in full force and effect between the State and any  
2 other state joining therein in accordance with the terms of the  
3 compact, which compact is substantially as follows:

4 **EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE**  
5 **COMPACT**

6 **Article I. Purpose and Authorities**

7 In order to protect the public through verification of  
8 competency and ensure accountability for patient care related  
9 activities, all states license emergency medical services (EMS)  
10 personnel such as emergency medical technicians (EMTs), advanced  
11 EMTs, and paramedics. This compact is intended to facilitate  
12 the day to day movement of EMS personnel across state boundaries  
13 in the performance of their EMS duties as assigned by an  
14 appropriate authority and authorize state EMS offices to afford  
15 immediate legal recognition to EMS personnel licensed in a  
16 member state. This compact recognizes that states have a vested  
17 interest in protecting the public's health and safety through  
18 their licensing and regulation of EMS personnel and that such  
19 state regulation shared among the member states will best  
20 protect public health and safety. This compact is designed to  
21 achieve the following purposes and objectives:



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

## 16 **Article II. Definitions**

17 As used in this chapter, unless the context clearly  
18 requires otherwise:

19 "Advanced emergency medical technician (AEMT)" means an  
20 individual licensed with cognitive knowledge and a scope of



1 practice that corresponds to that level in the national EMS  
2 education standards and national EMS scope of practice model.

3 "Adverse action" means any administrative, civil, equitable  
4 or criminal action permitted by a state's laws which may be  
5 imposed against licensed EMS personnel by a state EMS authority  
6 or state court including but not limited to actions against an  
7 individual's license such as revocation, suspension, probation,  
8 consent agreement, monitoring or other limitation or encumbrance  
9 on the individual's practice, letters of reprimand or  
10 admonition, fines, criminal convictions, and state court  
11 judgments enforcing adverse actions by the state EMS authority.

12 "Alternative program" means a voluntary, non-disciplinary  
13 substance abuse recovery program approved by a state EMS  
14 authority.

15 "Certification" means the successful verification of entry-  
16 level cognitive and psychomotor competency using a reliable,  
17 validated, and legally defensible examination.

18 "Commission" means the national administrative body of  
19 which all states that have enacted the compact are members.

20 "EMS" means emergency medical service.



1 "Emergency medical technician" or "EMT" means an individual  
2 licensed with cognitive knowledge and a scope of practice that  
3 corresponds to that level in the national EMS education  
4 standards and national EMS scope of practice model.

5 "Home state" means a member state where an individual is  
6 licensed to practice emergency medical services.

7 "License" means the authorization by a state for an  
8 individual to practice as an EMT, AEMT, paramedic, or a level in  
9 between EMT and paramedic.

10 "Medical director" means a physician licensed in a member  
11 state who is accountable for the care delivered by EMS  
12 personnel.

13 "Member state" means a state that has enacted this compact.

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

17 "Paramedic" means an individual licensed with cognitive  
18 knowledge and a scope of practice that corresponds to that level  
19 in the national EMS education standards and national EMS scope  
20 of practice model.



1 "Remote state" means a member state in which an individual  
2 is not licensed.

3 "Restricted" means the outcome of an adverse action that  
4 limits a license or the privilege to practice.

5 "Rule" means a written statement by the interstate  
6 commission promulgated pursuant to Article XII of this compact  
7 that is of general applicability; implements, interprets, or  
8 prescribes a policy or provision of the compact; or is an  
9 organizational, procedural, or practice requirement of the  
10 commission and has the force and effect of statutory law in a  
11 member state and includes the amendment, repeal, or suspension  
12 of an existing rule.

13 "Scope of practice" means defined parameters of various  
14 duties or services that may be provided by an individual with  
15 specific credentials. Whether regulated by rule, statute, or  
16 court decision, it tends to represent the limits of services an  
17 individual may perform.

18 "Significant investigatory information" means:

19 (1) Investigative information that a state EMS authority,  
20 after a preliminary inquiry that includes notification  
21 and an opportunity to respond if required by state



1 law, has reason to believe, if proved true, would  
2 result in the imposition of an adverse action on a  
3 license or privilege to practice; or

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

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

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

12 **Article III. Home State Licensure**

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

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



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

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

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

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

13 (4) No later than five years after activation of the  
14 compact, requires a criminal background check of all  
15 applicants for initial licensure, including the use of  
16 the results of fingerprint or other biometric data  
17 checks compliant with the requirements of the Federal  
18 Bureau of Investigation with the exception of federal  
19 employees who have suitability determination in  
20 accordance with CFR section 731.202 and submit





documentation of such as promulgated in the rules of  
the commission; and

(5) Complies with the rules of the commission.

#### **Article IV. Compact Privilege to Practice**

A. Member states shall recognize the privilege to practice  
of an individual licensed in another member state that is in  
conformance with Article III.

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

(1) Be at least eighteen years of age;

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

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

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



1       D. Except as provided in Article IV, subsection C, an  
2 individual practicing in a remote state will be subject to the  
3 remote state's authority and laws. A remote state may, in  
4 accordance with due process and that state's laws, restrict,  
5 suspend, or revoke an individual's privilege to practice in the  
6 remote state and may take any other necessary actions to protect  
7 the health and safety of its citizens. If a remote state takes  
8 action it shall promptly notify the home state and the  
9 commission.

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

14       F. If an individual's privilege to practice in any remote  
15 state is restricted, suspended, or revoked the individual shall  
16 not be eligible to practice in any remote state until the  
17 individual's privilege to practice is restored.

18       **Article V. Conditions of Practice in a Remote State**

19       An individual may practice in a remote state under a  
20 privilege to practice only in the performance of the  
21 individual's EMS duties as assigned by an appropriate authority,



1 as defined in the rules of the commission, and under the  
2 following circumstances:

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

6 (2) The individual originates in the home state and enters  
7 a remote state to pick up a patient and provide care  
8 and transport of the patient to the home state;

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

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

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

17 **Article VI. Relationship to Emergency Management Assistance**  
18 **Compact**

19 Upon a member state's governor's declaration of a state of  
20 emergency or disaster that activates the Emergency Management  
21 Assistance Compact (EMAC), all relevant terms and provisions of



1 EMAC shall apply and to the extent any terms or provisions of  
2 this compact conflicts with EMAC, the terms of EMAC shall  
3 prevail with respect to any individual practicing in the remote  
4 state in response to such declaration.

5 **Article VII. Veterans, Service Members Separating from Active**  
6 **Duty Military, and Their Spouses**

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

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

18 C. All individuals functioning with a privilege to  
19 practice under this Article remain subject to the Adverse  
20 Actions provisions of Article VIII.

21 **Article VIII. Adverse Actions**



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

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

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

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

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



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

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

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

12           G. Nothing in this compact shall override a member state's  
13 decision that participation in an alternative program may be  
14 used in lieu of adverse action and that such participation shall  
15 remain non-public if required by the member state's laws.

16 Member states must require individuals who enter any alternative  
17 programs to agree not to practice in any other member state  
18 during the term of the alternative program without prior  
19 authorization from such other member state.

20       **Article IX. Additional Powers Invested in a Member State's EMS**

21                               **Authority**



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

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

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



**Article X. Establishment of the Interstate Commission for EMS**

**Personnel Practice**

A. The compact states hereby create and establish a joint public agency known as the interstate commission for EMS personnel practice.

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

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

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

**B. Membership, Voting, and Meetings**

(1) Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this compact for each member state. Any delegate may





1 be removed or suspended from office as provided by the  
2 law of the state from which the delegate is appointed.  
3 Any vacancy occurring in the commission shall be  
4 filled in accordance with the laws of the member state  
5 in which the vacancy exists. In the event that more  
6 than one board, office, or other agency with the  
7 legislative mandate to license EMS personnel at and  
8 above the level of EMT exists, the governor of the  
9 state will determine which entity will be responsible  
10 for assigning the delegate.

11 (2) Each delegate shall be entitled to one vote with  
12 regard to the promulgation of rules and creation of  
13 bylaws and shall otherwise have an opportunity to  
14 participate in the business and affairs of the  
15 commission. A delegate shall vote in person or by  
16 such other means as provided in the bylaws. The  
17 bylaws may provide for delegates' participation in  
18 meetings by telephone or other means of communication.

19 (3) The commission shall meet at least once during each  
20 calendar year. Additional meetings shall be held as  
21 set forth in the bylaws.



1       (4) All meetings shall be open to the public, and public  
2       notice of meetings shall be given in the same manner  
3       as required under the rulemaking provisions in Article  
4       XII.

5       (5) The commission may convene in a closed, non-public  
6       meeting if the commission must discuss:

7       (a) Non-compliance of a member state with its  
8       obligations under the compact;

9       (b) The employment, compensation, discipline or other  
10      personnel matters, practices or procedures  
11      related to specific employees or other matters  
12      related to the commission's internal personnel  
13      practices and procedures;

14      (c) Current, threatened, or reasonably anticipated  
15      litigation;

16      (d) Negotiation of contracts for the purchase or sale  
17      of goods, services, or real estate;

18      (e) Accusing any person of a crime or formally  
19      censuring any person;



- 1 (f) Disclosure of trade secrets or commercial or  
2 financial information that is privileged or  
3 confidential;
- 4 (g) Disclosure of information of a personal nature  
5 where disclosure would constitute a clearly  
6 unwarranted invasion of personal privacy;
- 7 (h) Disclosure of investigatory records compiled for  
8 law enforcement purposes;
- 9 (i) Disclosure of information related to any  
10 investigatory reports prepared by or on behalf of  
11 or for use of the commission or other committee  
12 charged with responsibility of investigation or  
13 determination of compliance issues pursuant to  
14 the compact; or
- 15 (j) Matters specifically exempted from disclosure by  
16 federal or member state statute.
- 17 (6) If a meeting, or portion of a meeting, is closed  
18 pursuant to this provision, the commission's legal  
19 counsel or designee shall certify that the meeting may  
20 be closed and shall reference each relevant exempting  
21 provision. The commission shall keep minutes that



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

10          C. The commission shall, by a majority vote of the  
11       delegates, prescribe bylaws and rules to govern its conduct as  
12       may be necessary or appropriate to carry out the purposes and  
13       exercise the powers of the compact, including but not limited  
14       to:

- 15           (1) Establishing the fiscal year of the commission;  
16           (2) Providing reasonable standards and procedures:  
17               (a) for the establishment and meetings of other  
18               committees; and  
19               (b) governing any general or specific delegation of  
20               any authority or function of the commission;



- 1           (3) Providing reasonable procedures for calling and  
2           conducting meetings of the commission, ensuring  
3           reasonable advance notice of all meetings, and  
4           providing an opportunity for attendance of such  
5           meetings by interested parties, with enumerated  
6           exceptions designed to protect the public's interest,  
7           the privacy of individuals, and proprietary  
8           information, including trade secrets. The commission  
9           may meet in closed session only after a majority of  
10          the membership votes to close a meeting in whole or in  
11          part. As soon as practicable, the commission must  
12          make public a copy of the vote to close the meeting  
13          revealing the vote of each member with no proxy votes  
14          allowed;
- 15          (4) Establishing the titles, duties and authority, and  
16          reasonable procedures for the election of the officers  
17          of the commission;
- 18          (5) Providing reasonable standards and procedures for the  
19          establishment of the personnel policies and programs  
20          of the commission. Notwithstanding any civil service  
21          or other similar laws of any member state, the bylaws



1 shall exclusively govern the personnel policies and  
2 programs of the commission;

3 (6) Promulgating a code of ethics to address permissible  
4 and prohibited activities of commission members and  
5 employees;

6 (7) Providing a mechanism for winding up the operations of  
7 the commission and the equitable disposition of any  
8 surplus funds that may exist after the termination of  
9 the compact after the payment and/or reserving of all  
10 of its debts and obligations;

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

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

17 (10) The commission shall meet and take such actions as are  
18 consistent with the provisions of this Compact and the  
19 bylaws.

20 D. The commission shall have the following powers:



- 1       (1) The authority to promulgate uniform rules to  
2       facilitate and coordinate implementation and  
3       administration of this compact. The rules shall have  
4       the force and effect of law and shall be binding in  
5       all member states;
- 6       (2) To bring and prosecute legal proceedings or actions in  
7       the name of the commission, provided that the standing  
8       of any state EMS authority or other regulatory body  
9       responsible for EMS personnel licensure to sue or be  
10      sued under applicable law shall not be affected;
- 11      (3) To purchase and maintain insurance and bonds;
- 12      (4) To borrow, accept, or contract for services of  
13      personnel, including, but not limited to, employees of  
14      a member state;
- 15      (5) To hire employees, elect or appoint officers, fix  
16      compensation, define duties, grant such individuals  
17      appropriate authority to carry out the purposes of the  
18      compact, and to establish the commission's personnel  
19      policies and programs relating to conflicts of  
20      interest, qualifications of personnel, and other  
21      related personnel matters;



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

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

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

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

16      (10) To borrow money;

17      (11) To appoint committees, including advisory committees  
18          comprised of members, state regulators, state  
19          legislators or their representatives, and consumer  
20          representatives, and such other interested persons as  
21          may be designated in this compact and the bylaws;





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

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

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

8 E. Financing of the commission

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

12 (2) The commission may accept any and all appropriate  
13 revenue sources, donations, and grants of money,  
14 equipment, supplies, materials, and services.

15 (3) The commission may levy on and collect an annual  
16 assessment from each member state or impose fees on  
17 other parties to cover the cost of the operations and  
18 activities of the commission and its staff, which must  
19 be in a total amount sufficient to cover its annual  
20 budget as approved each year for which revenue is not  
21 provided by other sources. The aggregate annual



1           assessment amount shall be allocated based upon a  
2           formula to be determined by the commission, which  
3           shall promulgate a rule binding upon all member  
4           states.

5           (4) The commission shall not incur obligations of any kind  
6           prior to securing the funds adequate to meet the same;  
7           nor shall the commission pledge the credit of any of  
8           the member states, except by and with the authority of  
9           the member state.

10          (5) The commission shall keep accurate accounts of all  
11          receipts and disbursements. The receipts and  
12          disbursements of the commission shall be subject to  
13          the audit and accounting procedures established under  
14          its bylaws. However, all receipts and disbursements  
15          of funds handled by the commission shall be audited  
16          yearly by a certified or licensed public accountant,  
17          and the report of the audit shall be included in and  
18          become part of the annual report of the commission.

19          F. Qualified Immunity, Defense, and Indemnification

20          (1) The members, officers, executive director, employees  
21          and representatives of the commission shall be immune



1 from suit and liability, either personally or in their  
2 official capacity, for any claim for damage to or loss  
3 of property or personal injury or other civil  
4 liability caused by or arising out of any actual or  
5 alleged act, error or omission that occurred, or that  
6 the person against whom the claim is made had a  
7 reasonable basis for believing occurred within the  
8 scope of commission employment, duties or  
9 responsibilities; provided that nothing in this  
10 paragraph shall be construed to protect any such  
11 person from suit and/or liability for any damage,  
12 loss, injury, or liability caused by the intentional  
13 or willful or wanton misconduct of that person.

14 (2) The commission shall defend any member, officer,  
15 executive director, employee or representative of the  
16 commission in any civil action seeking to impose  
17 liability arising out of any actual or alleged act,  
18 error, or omission that occurred within the scope of  
19 commission employment, duties, or responsibilities, or  
20 that the person against whom the claim is made had a  
21 reasonable basis for believing occurred within the



1 scope of commission employment, duties, or  
2 responsibilities; provided that nothing herein shall  
3 be construed to prohibit that person from retaining  
4 his or her own counsel; and provided further, that the  
5 actual or alleged act, error, or omission did not  
6 result from that person's intentional or willful or  
7 wanton misconduct.

8 (3) The commission shall indemnify and hold harmless any  
9 member, officer, executive director, employee, or  
10 representative of the commission for the amount of any  
11 settlement or judgment obtained against that person  
12 arising out of any actual or alleged act, error or  
13 omission that occurred within the scope of commission  
14 employment, duties, or responsibilities, or that such  
15 person had a reasonable basis for believing occurred  
16 within the scope of commission employment, duties, or  
17 responsibilities, provided that the actual or alleged  
18 act, error, or omission did not result from the  
19 intentional or willful or wanton misconduct of that  
20 person.

21 **Article XI. Coordinated Database**



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

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

- 11           (1) Identifying information;
- 12           (2) Licensure data;
- 13           (3) Significant investigatory information;
- 14           (4) Adverse actions against an individual's license;
- 15           (5) An indicator that an individual's privilege to  
16 practice is restricted, suspended, or revoked;
- 17           (6) Non-confidential information related to alternative  
18 program participation;
- 19           (7) Any denial of application for licensure, and the  
20 reason(s) for such denial; and



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

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

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

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

## 16                           **Article XII. Rulemaking**

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



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

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

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

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

12           (2) On the website of each member state EMS authority or  
13 the publication in which each state would otherwise  
14 publish proposed rules.

15           E. The notice of proposed rulemaking shall include:

16           (1) The proposed time, date, and location of the meeting  
17 in which the rule will be considered and voted upon;

18           (2) The text of the proposed rule or amendment and the  
19 reason for the proposed rule;

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



1           (4) The manner in which interested persons may submit  
2           notice to the commission of their intention to attend  
3           the public hearing and any written comments.

4           F. Prior to adoption of a proposed rule, the commission  
5           shall allow persons to submit written data, facts, opinions, and  
6           arguments, which shall be made available to the public.

7           G. The commission shall grant an opportunity for a public  
8           hearing before it adopts a rule or amendment if a hearing is  
9           requested by:

10          (1) At least twenty-five persons;

11          (2) A governmental subdivision or agency; or

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

13          H. If a hearing is held on the proposed rule or amendment,  
14           the commission shall publish the place, time, and date of the  
15           scheduled public hearing.

16          (1) All persons wishing to be heard at the hearing shall  
17           notify the executive director of the commission or  
18           other designated member in writing of their desire to  
19           appear and testify at the hearing not less than five  
20           business days before the scheduled date of the  
21           hearing.





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

4           (3) No transcript of the hearing is required, unless a  
5           written request for a transcript is made, in which  
6           case the person requesting the transcript shall bear  
7           the cost of producing the transcript. A recording may  
8           be made in lieu of a transcript under the same terms  
9           and conditions as a transcript. This subsection shall  
10          not preclude the commission from making a transcript  
11          or recording of the hearing if it so chooses.

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

16          I. Following the scheduled hearing date, or by the close  
17          of business on the scheduled hearing date if the hearing was not  
18          held, the commission shall consider all written and oral  
19          comments received.

20          J. The commission shall, by majority vote of all members,  
21          take final action on the proposed rule and shall determine the



1 effective date of the rule, if any, based on the rulemaking  
2 record and the full text of the rule.

3 K. If no written notice of intent to attend the public  
4 hearing by interested parties is received, the commission may  
5 proceed with promulgation of the proposed rule without a public  
6 hearing.

7 L. Upon determination that an emergency exists, the  
8 commission may consider and adopt an emergency rule without  
9 prior notice, opportunity for comment, or hearing, provided that  
10 the usual rulemaking procedures provided in the Compact and in  
11 this section shall be retroactively applied to the rule as soon  
12 as reasonably possible, in no event later than ninety days after  
13 the effective date of the rule. For the purposes of this  
14 provision, an emergency rule is one that must be adopted  
15 immediately in order to:

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

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

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



1 (4) Protect public health and safety.

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

16 **Article XIII. Oversight, Dispute Resolution, and Enforcement**

17 A. Oversight

18 (1) The executive, legislative, and judicial branches of  
19 state government in each member state shall enforce  
20 this compact and take all actions necessary and  
21 appropriate to effectuate the compact's purposes and



1 intent. The provisions of this compact and the rules  
2 promulgated hereunder shall have standing as statutory  
3 law.

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

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

16 B. Default, Technical Assistance, and Termination

17 (1) If the commission determines that a member state has  
18 defaulted in the performance of its obligations or  
19 responsibilities under this compact or the promulgated  
20 rules, the commission shall:



1 (a) Provide written notice to the defaulting state  
2 and other member states of the nature of the  
3 default, the proposed means of curing the default  
4 and/or any other action to be taken by the  
5 commission; and

6 (b) Provide remedial training and specific technical  
7 assistance regarding the default.

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

16 (3) Termination of membership in the compact shall be  
17 imposed only after all other means of securing  
18 compliance have been exhausted. Notice of intent to  
19 suspend or terminate shall be given by the commission  
20 to the governor, the majority and minority leaders of



1 the defaulting state's legislature, and each of the  
2 member states.

3 (4) A state that has been terminated is responsible for  
4 all assessments, obligations, and liabilities incurred  
5 through the effective date of termination, including  
6 obligations that extend beyond the effective date of  
7 termination.

8 (5) The commission shall not bear any costs related to a  
9 state that is found to be in default or that has been  
10 terminated from the compact, unless agreed upon in  
11 writing between the commission and the defaulting  
12 state.

13 (6) The defaulting state may appeal the action of the  
14 commission by petitioning the U.S. District Court for  
15 the District of Columbia or the federal district where  
16 the commission has its principal offices. The  
17 prevailing member shall be awarded all costs of such  
18 litigation, including reasonable attorney's fees.

19 C. Dispute Resolution

20 (1) Upon request by a member state, the commission shall  
21 attempt to resolve disputes related to the compact



1           that arise among member states and between member and  
2           non-member states.

3           (2) The commission shall promulgate a rule providing for  
4           both mediation and binding dispute resolution for  
5           disputes as appropriate.

6           D. Enforcement

7           (1) The commission, in the reasonable exercise of its  
8           discretion, shall enforce the provisions and rules of  
9           this compact.

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



1           (3) The remedies herein shall not be the exclusive  
2           remedies of the commission. The commission may pursue  
3           any other remedies available under federal or state  
4           law.

5           **Article XIV. Date of Implementation of the Interstate**  
6           **Commission for EMS Personnel Practice and Associated Rules,**  
7           **Withdrawal, and Amendment**

8           A. The compact shall come into effect on the date on which  
9           the compact statute is enacted into law in the tenth member  
10          state. The provisions, which become effective at that time,  
11          shall be limited to the powers granted to the commission  
12          relating to assembly and the promulgation of rules. Thereafter,  
13          the commission shall meet and exercise rulemaking powers  
14          necessary to the implementation and administration of the  
15          compact.

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





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

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

6 (2) Withdrawal shall not affect the continuing requirement  
7 of the withdrawing state's EMS authority to comply  
8 with the investigative and adverse action reporting  
9 requirements of this act prior to the effective date  
10 of withdrawal.

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

16 E. This compact may be amended by the member states. No  
17 amendment to this compact shall become effective and binding  
18 upon any member state until it is enacted into the laws of all  
19 member states.

20 **Article XV. Construction and Severability**



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

7        SECTION 3. This Act shall take effect upon its approval.

8

INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2026

**Report Title:**

Emergency Medical Services Personnel Licensure Interstate Compact; EMS Personnel; Licensure

**Description:**

Enters Hawaii into the Emergency Medical Services Personnel Licensure Interstate Compact to allow EMS personnel from other states to practice in Hawaii during a declared emergency.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

