

1 The Recognition of Emergency Medical Services Personnel
2 Licensure Interstate Compact is enacted into law and entered
3 into by the State of Hawaii with all other states legally
4 joining in the compact in the form substantially as follows:

5 SECTION 1. PURPOSE

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

- 21 1. Increase public access to EMS personnel;



1 2. Enhance the states' ability to protect the public's
2 health and safety, especially patient safety;

3 3. Encourage the cooperation of member states in the areas
4 of EMS personnel licensure and regulation;

5 4. Support licensing of military members who are
6 separating from an active duty tour and their spouses;

7 5. Facilitate the exchange of information between member
8 states regarding EMS personnel licensure, adverse action and
9 significant investigatory information;

10 6. Promote compliance with the laws governing EMS
11 personnel practice in each member state; and

12 7. Invest all member states with the authority to hold EMS
13 personnel accountable through the mutual recognition of member
14 state licenses.

15 SECTION 2. DEFINITIONS

16 In this compact:

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



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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

14 Q. "Significant Investigatory Information" means:

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



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

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

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

10 SECTION 3. HOME STATE LICENSURE

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

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

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



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

5 2. Has a mechanism in place for receiving and
6 investigating complaints about individuals;

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

10 4. No later than five years after activation of the
11 Compact, requires a criminal background check of all
12 applicants for initial licensure, including the use of the
13 results of fingerprint or other biometric data checks
14 compliant with the requirements of the Federal Bureau of
15 Investigation with the exception of federal employees who
16 have suitability determination in accordance with US CFR
17 §731.202 and submit documentation of such as promulgated in
18 the rules of the Commission; and

19 5. Complies with the rules of the Commission.

20 SECTION 4. COMPACT PRIVILEGE TO PRACTICE



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

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

6 1. Be at least 18 years of age;

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

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

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

18 D. Except as provided in Section 4, subsection C, an
19 individual practicing in a remote state will be subject to the
20 remote state's authority and laws. A remote state may, in
21 accordance with due process and that state's laws, restrict,



1 suspend, or revoke an individual's privilege to practice in the
2 remote state and may take any other necessary actions to protect
3 the health and safety of its citizens. If a remote state takes
4 action it shall promptly notify the home state and the
5 Commission.

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

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

14 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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



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

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

6 4. The individual enters a remote state to pick up a
7 patient and provide care and transport to a third member state;
8 and

9 5. Other conditions as determined by rules promulgated by
10 the Commission.

11 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
12 COMPACT

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

20 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE
21 DUTY MILITARY, AND THEIR SPOUSES



1 A. Member states shall consider a veteran, active military
2 service member, and member of the National Guard and Reserves
3 separating from an active duty tour, and 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
6 the minimum training and examination requirements for such
7 licensure.

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

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

15 SECTION 8. ADVERSE ACTIONS

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

19 B. If an individual's license in any home state is
20 restricted or suspended, the individual shall not be eligible to



1 practice in a remote state under the privilege to practice until
2 the individual's home state license is restored.

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

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

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

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

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



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

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

14 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
15 AUTHORITY

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

19 1. Issue subpoenas for both hearings and investigations
20 that require the attendance and testimony of witnesses and the
21 production of evidence. Subpoenas issued by a member state's



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

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

12 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
13 PERSONNEL PRACTICE.

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

17 1. The Commission is a body politic and an
18 instrumentality of the Compact states;

19 2. Venue is proper and judicial proceedings by or
20 against the Commission shall be brought solely and
21 exclusively in a court of competent jurisdiction where the



1 principal office of the Commission is located. The
2 Commission may waive venue and jurisdictional defenses to
3 the extent it adopts or consents to participate in
4 alternative dispute resolution proceedings; and

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

7 B. Membership, Voting, and Meetings

8 1. Each member state shall have and be limited to one
9 (1) delegate. The responsible official of the state EMS
10 authority or his designee shall be the delegate to this
11 Compact for each member state. Any delegate may be removed
12 or suspended from office as provided by the law of the
13 state from which the delegate is appointed. Any vacancy
14 occurring in the Commission shall be filled in accordance
15 with the laws of the member state in which the vacancy
16 exists. In the event that more than one board, office, or
17 other agency with the legislative mandate to license EMS
18 personnel at and above the level of EMT exists, the
19 Governor of the state will determine which entity will be
20 responsible for assigning the delegate;



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

9 3. The Commission shall meet at least once during
10 each calendar year. Additional meetings shall be held as
11 set forth in the bylaws;

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

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

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

19 b. The employment, compensation, discipline or
20 other personnel matters, practices or procedures
21 related to specific employees or other matters related



1 to the Commission's internal personnel practices and
2 procedures;

3 c. Current, threatened, or reasonably
4 anticipated litigation;

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

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

9 f. Disclosure of trade secrets or commercial or
10 financial information that is privileged or
11 confidential;

12 g. Disclosure of information of a personal
13 nature where disclosure would constitute a clearly
14 unwarranted invasion of personal privacy;

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

17 i. Disclosure of information related to any
18 investigatory reports prepared by or on behalf of or
19 for use of the Commission or other committee charged
20 with responsibility of investigation or determination
21 of compliance issues pursuant to the compact; or



1 j. Matters specifically exempted from disclosure
2 by federal or member state statute; and

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

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

21 1. Establishing the fiscal year of the Commission;



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



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

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

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

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

19 9. The Commission shall maintain its financial
20 records in accordance with the bylaws; and



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

4 D. The Commission shall have the following powers:

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

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

14 3. To purchase and maintain insurance and bonds;

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

18 5. To hire employees, elect or appoint officers, fix
19 compensation, define duties, grant such individuals
20 appropriate authority to carry out the purposes of the
21 compact, and to establish the Commission's personnel



1 policies and programs relating to conflicts of interest,
2 qualifications of personnel, and other related personnel
3 matters;

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

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

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

18 9. To establish a budget and make expenditures;

19 10. To borrow money;

20 11. To appoint committees, including advisory
21 committees comprised of members, state regulators, state



1 legislators or their representatives, and consumer
2 representatives, and such other interested persons as may
3 be designated in this compact and the bylaws;

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

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

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

11 E. Financing of the Commission

12 1. The Commission shall pay, or provide for the
13 payment of, the reasonable expenses of its establishment,
14 organization, and ongoing activities;

15 2. The Commission may accept any and all appropriate
16 revenue sources, donations, and grants of money, equipment,
17 supplies, materials, and services;

18 3. The Commission may levy on and collect an annual
19 assessment from each member state or impose fees on other
20 parties to cover the cost of the operations and activities
21 of the Commission and its staff, which must be in a total



1 amount sufficient to cover its annual budget as approved
2 each year for which revenue is not provided by other
3 sources. The aggregate annual assessment amount shall be
4 allocated based upon a formula to be determined by the
5 Commission, which shall promulgate a rule binding upon all
6 member states;

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

12 5. The Commission shall keep accurate accounts of all
13 receipts and disbursements. The receipts and disbursements
14 of the Commission shall be subject to the audit and
15 accounting procedures established under its bylaws.

16 However, all receipts and disbursements of funds handled by
17 the Commission shall be audited yearly by a certified or
18 licensed public accountant, and the report of the audit
19 shall be included in and become part of the annual report
20 of the Commission.

21 F. Qualified Immunity, Defense, and Indemnification



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

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



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

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

20 SECTION 11. 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
18 alternative 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 rules
3 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 SECTION 12. 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
20 as of the date specified in each rule or amendment.



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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 (60) days in advance
9 of the meeting at which the rule will be considered and voted
10 upon, 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
13 or 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
17 meeting in which the rule will be considered and voted
18 upon;
19 2. The text of the proposed rule or amendment and the
20 reason for the proposed rule;



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

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

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

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

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

13 2. A governmental subdivision or agency; or

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

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

19 1. All persons wishing to be heard at the hearing
20 shall notify the executive director of the Commission or
21 other designated member in writing of their desire to



1 appear and testify at the hearing not less than five (5)
2 business days before the scheduled date of the hearing.

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

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

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

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



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

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

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

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

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



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

4 4. Protect public health and safety.

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

19 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

20 A. Oversight



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

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

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

18 B. Default, Technical Assistance, and Termination

19 1. If the Commission determines that a member state
20 has defaulted in the performance of its obligations or



1 responsibilities under this compact or the promulgated
2 rules, the Commission shall:

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

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

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

18 3. Termination of membership in the compact shall be
19 imposed only after all other means of securing compliance
20 have been exhausted. Notice of intent to suspend or
21 terminate shall be given by the Commission to the governor,



1 the majority and minority leaders of the defaulting state's
2 legislature, and each of the member states;

3 4. A state that has been terminated is responsible
4 for 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
9 a state that is found to be in default or that has been
10 terminated from the compact, unless agreed upon in writing
11 between the Commission and the defaulting state; and

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

18 C. Dispute Resolution

19 1. Upon request by a member state, the Commission
20 shall attempt to resolve disputes related to the compact



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

3 2. The Commission shall promulgate a rule providing
4 for 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 this
9 compact;

10 2. By majority vote, the Commission may initiate
11 legal 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 state
14 in default to enforce compliance with the provisions of the
15 compact and its promulgated rules and bylaws. The relief
16 sought may include both injunctive relief and damages. In
17 the event judicial enforcement is necessary, the prevailing
18 member shall be awarded all costs of such litigation,
19 including reasonable attorney's fees; and



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

4 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
5 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,
6 WITHDRAWAL, AND AMENDMENT

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

15 B. Any state that joins the compact subsequent to the
16 Commission's initial adoption of the rules shall be subject to
17 the rules as they exist on the date on which the compact becomes
18 law in that state. Any rule that has been previously adopted by
19 the Commission shall have the full force and effect of law on
20 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 (6) months after enactment of the repealing
5 statute; and

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

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

16 E. This Compact may be amended by the member states.
17 No 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.

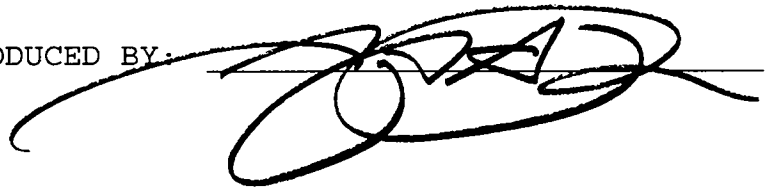
20 SECTION 15. CONSTRUCTION AND SEVERABILITY



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 2. This Act shall take effect upon its approval.
8

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher.

S.B. NO. 319

Report Title:

Recognition of Emergency Personnel Services Licensure Interstate Compact; Emergency Services; Licensure

Description:

Adopts the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

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

