

By: Senator(s) Kirby, Dearing

To: Public Health and Welfare

SENATE BILL NO. 2828

1 AN ACT TO ENACT THE EMS PERSONNEL LICENSURE INTERSTATE
2 COMPACT TO FACILITATE THE MOVEMENT OF EMS PERSONNEL ACROSS STATE
3 BOUNDARIES IN THE PERFORMANCE OF THEIR EMS DUTIES; TO PROVIDE THAT
4 THE PROVISIONS OF THE COMPACT SHALL BE IMPLEMENTED BY THE STATE
5 DEPARTMENT OF HEALTH AS LICENSING ENTITY; TO AMEND SECTIONS
6 41-59-3, 41-59-29, 41-59-33 AND 41-59-35, MISSISSIPPI CODE OF
7 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** The EMS Personnel Licensure Compact is enacted
10 into law and entered into by this state with any and all states
11 legally joining in the Compact in accordance with its terms in the
12 form substantially as follows:

13 **EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

14 **Section 1. Purpose.** In order to protect the public through
15 verification of competency and ensure accountability for patient
16 care related activities all states license emergency medical
17 services (EMS) personnel, such as emergency medical technicians
18 (EMTs), advanced EMTs and paramedics. This Compact is intended to
19 facilitate the day-to-day movement of EMS personnel across state
20 boundaries in the performance of their EMS duties as assigned by



21 an appropriate authority and authorize state EMS offices to afford
22 immediate legal recognition to EMS personnel licensed in a member
23 state. This Compact recognizes that states have a vested interest
24 in protecting the public's health and safety through their
25 licensing and regulation of EMS personnel and that such state
26 regulation shared among the member states will best protect public
27 health and safety. This Compact is designed to achieve the
28 following purposes and objectives:

29 (a) Increase public access to EMS personnel;

30 (b) Enhance the states' ability to protect the public's
31 health and safety, especially patient safety;

32 (c) Encourage the cooperation of member states in the
33 areas of EMS personnel licensure and regulation;

34 (d) Support licensing of military members who are
35 separating from an active duty tour and their spouses;

36 (e) Facilitate the exchange of information between
37 member states regarding EMS personnel licensure, adverse action
38 and significant investigatory information;

39 (f) Promote compliance with the laws governing EMS
40 personnel practice in each member state; and

41 (g) Invest all member states with the authority to hold
42 EMS personnel accountable through the mutual recognition of member
43 state licenses.

44 **Section 2. Definitions.** In this Compact:



45 (a) "Advanced Emergency Medical Technician (AEMT)"
46 means an individual licensed with cognitive knowledge and a scope
47 of practice that corresponds to that level in the National EMS
48 Education Standards and National EMS Scope of Practice Model.

49 (b) "Adverse action" means any administrative, civil,
50 equitable or criminal action permitted by a state's laws which may
51 be imposed against licensed EMS personnel by a state EMS authority
52 or state court, including, but not limited to, actions against an
53 individual's license such as revocation, suspension, probation,
54 consent agreement, monitoring or other limitation or encumbrance
55 on the individual's practice, letters of reprimand or admonition,
56 fines, criminal convictions and state court judgments enforcing
57 adverse actions by the state EMS authority.

58 (c) "Alternative program" means a voluntary,
59 nondisciplinary substance abuse recovery program approved by a
60 state EMS authority.

61 (d) "Certification" means the successful verification
62 of entry-level cognitive and psychomotor competency using a
63 reliable, validated, and legally defensible examination.

64 (e) "Commission" means the national administrative body
65 of which all states that have enacted the Compact are members.

66 (f) "Emergency Medical Technician (EMT)" means an
67 individual licensed with cognitive knowledge and a scope of
68 practice that corresponds to that level in the National EMS
69 Education Standards and National EMS Scope of Practice Model.



70 (g) "Home state" means a member state where an
71 individual is licensed to practice emergency medical services.

72 (h) "License" means the authorization by a state for an
73 individual to practice as an EMT, AEMT, paramedic, or a level in
74 between EMT and paramedic.

75 (i) "Medical director" means a physician licensed in a
76 member state who is accountable for the care delivered by EMS
77 personnel.

78 (j) "Member state" means a state that has enacted this
79 Compact.

80 (k) "Privilege to practice" means an individual's
81 authority to deliver emergency medical services in remote states
82 as authorized under this Compact.

83 (l) "Paramedic" means an individual licensed with
84 cognitive knowledge and a scope of practice that corresponds to
85 that level in the National EMS Education Standards and National
86 EMS Scope of Practice Model.

87 (m) "Remote state" means a member state in which an
88 individual is not licensed.

89 (n) "Restricted" means the outcome of an adverse action
90 that limits a license or the privilege to practice.

91 (o) "Rule" means a written statement by the Interstate
92 Commission promulgated pursuant to Section 12 of this Compact that
93 is of general applicability; implements, interprets, or prescribes
94 a policy or provision of the Compact; or is an organizational,



95 procedural, or practice requirement of the Commission and has the
96 force and effect of statutory law in a member state and includes
97 the amendment, repeal, or suspension of an existing rule.

98 (p) "Scope of practice" means defined parameters of
99 various duties or services that may be provided by an individual
100 with specific credentials. Whether regulated by rule, statute, or
101 court decision, it tends to represent the limits of services an
102 individual may perform.

103 (q) "Significant investigatory information" means:

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

109 (ii) Investigative information that indicates that
110 the individual represents an immediate threat to public health and
111 safety regardless of whether the individual has been notified and
112 had an opportunity to respond.

113 (r) "State" means any state, commonwealth, district, or
114 territory of the United States.

115 (s) "State EMS authority" means the board, office, or
116 other agency with the legislative mandate to license EMS
117 personnel.



118 **Section 3. Home state licensure.** (1) Any member state in
119 which an individual holds a current license shall be deemed a home
120 state for purposes of this Compact.

121 (2) Any member state may require an individual to obtain and
122 retain a license to be authorized to practice in the member state
123 under circumstances not authorized by the privilege to practice
124 under the terms of this Compact.

125 (3) A home state's license authorizes an individual to
126 practice in a remote state under the privilege to practice only if
127 the home state:

128 (a) Currently requires the use of the National Registry
129 of Emergency Medical Technicians (NREMT) examination as a
130 condition of issuing initial licenses at the EMT and paramedic
131 levels;

132 (b) Has a mechanism in place for receiving and
133 investigating complaints about individuals;

134 (c) Notifies the Commission, in compliance with the
135 terms herein, of any adverse action or significant investigatory
136 information regarding an individual;

137 (d) No later than five (5) years after activation of
138 the Compact, requires a criminal background check of all
139 applicants for initial licensure, including the use of the results
140 of fingerprint or other biometric data checks compliant with the
141 requirements of the Federal Bureau of Investigation with the
142 exception of federal employees who have suitability determination



143 in accordance with US CFR Section 731.202 and submit documentation
144 of such as promulgated in the rules of the Commission; and

145 (e) Complies with the rules of the Commission.

146 **Section 4. Compact privilege to practice.** (1) Member
147 states shall recognize the privilege to practice of an individual
148 licensed in another member state that is in conformance with
149 Section 3.

150 (2) To exercise the privilege to practice under the terms
151 and provisions of this Compact, an individual must:

152 (a) Be at least eighteen (18) years of age;

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

157 (c) Practice under the supervision of a medical
158 director.

159 (3) An individual providing patient care in a remote state
160 under the privilege to practice shall function within the scope of
161 practice authorized by the home state unless and until modified by
162 an appropriate authority in the remote state as may be defined in
163 the rules of the Commission.

164 (4) Except as provided in Section 4(3), an individual
165 practicing in a remote state will be subject to the remote state's
166 authority and laws. A remote state may, in accordance with due
167 process and that state's laws, restrict, suspend, or revoke an



168 individual's privilege to practice in the remote state and may
169 take any other necessary actions to protect the health and safety
170 of its citizens. If a remote state takes action it shall promptly
171 notify the home state and the Commission.

172 (5) If an individual's license in any home state is
173 restricted or suspended, the individual shall not be eligible to
174 practice in a remote state under the privilege to practice until
175 the individual's home state license is restored.

176 (6) If an individual's privilege to practice in any remote
177 state is restricted, suspended, or revoked the individual shall
178 not be eligible to practice in any remote state until the
179 individual's privilege to practice is restored.

180 **Section 5. Conditions of practice in a remote state.** An
181 individual may practice in a remote state under a privilege to
182 practice only in the performance of the individual's EMS duties as
183 assigned by an appropriate authority, as defined in the rules of
184 the Commission, and under the following circumstances:

185 (a) The individual originates a patient transport in a
186 home state and transports the patient to a remote state;

187 (b) The individual originates in the home state and
188 enters a remote state to pick up a patient and provide care and
189 transport of the patient to the home state;

190 (c) The individual enters a remote state to provide
191 patient care and/or transport within that remote state;



192 (d) The individual enters a remote state to pick up a
193 patient and provide care and transport to a third member state;

194 (e) Other conditions as determined by rules promulgated
195 by the Commission.

196 **Section 6. Relationship to Emergency Management Assistance**

197 **Compact.** Upon a member state's governor's declaration of a state
198 of emergency or disaster that activates the Emergency Management
199 Assistance Compact (EMAC), all relevant terms and provisions of
200 EMAC shall apply and to the extent any terms or provisions of this
201 Compact conflicts with EMAC, the terms of EMAC shall prevail with
202 respect to any individual practicing in the remote state in
203 response to such declaration.

204 **Section 7. Veterans, service members separating from active**

205 **duty military, and their spouses.** (1) Member states shall
206 consider a veteran, active military service member, and member of
207 the National Guard and Reserves separating from an active duty
208 tour, and a spouse thereof, who holds a current valid and
209 unrestricted NREMT certification at or above the level of the
210 state license being sought as satisfying the minimum training and
211 examination requirements for such licensure.

212 (2) Member states shall expedite the processing of licensure
213 applications submitted by veterans, active military service
214 members, and members of the National Guard and Reserves separating
215 from an active duty tour, and their spouses.



216 (3) All individuals functioning with a privilege to practice
217 under this section remain subject to the adverse actions
218 provisions of Section 8.

219 **Section 8. Adverse actions.** (1) A home state shall have
220 exclusive power to impose adverse action against an individual's
221 license issued by the home state.

222 (2) If an individual's license in any home state is
223 restricted or suspended, the individual shall not be eligible to
224 practice in a remote state under the privilege to practice until
225 the individual's home state license is restored.

226 (a) All home state adverse action orders shall include
227 a statement that the individual's Compact privileges are inactive.
228 The order may allow the individual to practice in remote states
229 with prior written authorization from both the home state and
230 remote state's EMS authority.

231 (b) An individual currently subject to adverse action
232 in the home state shall not practice in any remote state without
233 prior written authorization from both the home state and remote
234 state's EMS authority.

235 (3) A member state shall report adverse actions and any
236 occurrences that the individual's Compact privileges are
237 restricted, suspended, or revoked to the Commission in accordance
238 with the rules of the Commission.

239 (4) A remote state may take adverse action on an
240 individual's privilege to practice within that state.



241 (5) Any member state may take adverse action against an
242 individual's privilege to practice in that state based on the
243 factual findings of another member state, so long as each state
244 follows its own procedures for imposing such adverse action.

245 (6) A home state's EMS authority shall investigate and take
246 appropriate action with respect to reported conduct in a remote
247 state as it would if such conduct had occurred within the home
248 state. In such cases, the home state's law shall control in
249 determining the appropriate adverse action.

250 (7) Nothing in this Compact shall override a member state's
251 decision that participation in an alternative program may be used
252 in lieu of adverse action and that such participation shall remain
253 nonpublic if required by the member state's laws. Member states
254 must require individuals who enter any alternative programs to
255 agree not to practice in any other member state during the term of
256 the alternative program without prior authorization from such
257 other member state.

258 **Section 9. Additional powers invested in a member state's**
259 **EMS authority.** A member state's EMS authority, in addition to any
260 other powers granted under state law, is authorized under this
261 Compact to:

262 (a) Issue subpoenas for both hearings and
263 investigations that require the attendance and testimony of
264 witnesses and the production of evidence. Subpoenas issued by a
265 member state's EMS authority for the attendance and testimony of



266 witnesses, and/or the production of evidence from another member
267 state, shall be enforced in the remote state by any court of
268 competent jurisdiction, according to that court's practice and
269 procedure in considering subpoenas issued in its own proceedings.

270 The issuing state EMS authority shall pay any witness fees, travel
271 expenses, mileage, and other fees required by the service statutes
272 of the state where the witnesses and/or evidence are located; and

273 (b) Issue cease and desist orders to restrict, suspend,
274 or revoke an individual's privilege to practice in the state.

275 **Section 10. Establishment of the Interstate Commission for**
276 **EMS Personnel Practice.** (1) The Compact states hereby create and
277 establish a joint public agency known as the Interstate Commission
278 for EMS Personnel Practice.

279 (a) The Commission is a body politic and an
280 instrumentality of the Compact states.

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

287 (c) Nothing in this Compact shall be construed to be a
288 waiver of sovereign immunity.

289 (2) Membership, voting, and meetings.



290 (a) Each member state shall have and be limited to one
291 (1) delegate. The responsible official of the state EMS authority
292 or his designee shall be the delegate to this Compact for each
293 member state. Any delegate may be removed or suspended from
294 office as provided by the law of the state from which the delegate
295 is appointed. Any vacancy occurring in the Commission shall be
296 filled in accordance with the laws of the member state in which
297 the vacancy exists. In the event that more than one (1) board,
298 office, or other agency with the legislative mandate to license
299 EMS personnel at and above the level of EMT exists, the Governor
300 of the state will determine which entity will be responsible for
301 assigning the delegate.

302 (b) Each delegate shall be entitled to one (1) vote
303 with regard to the promulgation of rules and creation of bylaws
304 and shall otherwise have an opportunity to participate in the
305 business and affairs of the Commission. A delegate shall vote in
306 person or by such other means as provided in the bylaws. The
307 bylaws may provide for delegates' participation in meetings by
308 telephone or other means of communication.

309 (c) The Commission shall meet at least once during each
310 calendar year. Additional meetings shall be held as set forth in
311 the bylaws.

312 (d) All meetings shall be open to the public, and
313 public notice of meetings shall be given in the same manner as
314 required under the rulemaking provisions in Section 12.



315 (e) The Commission may convene in a closed, nonpublic
316 meeting if the Commission must discuss:

317 (i) Noncompliance of a member state with its
318 obligations under the Compact;

319 (ii) The employment, compensation, discipline or
320 other personnel matters, practices or procedures related to
321 specific employees or other matters related to the Commission's
322 internal personnel practices and procedures;

323 (iii) Current, threatened, or reasonably
324 anticipated litigation;

325 (iv) Negotiation of contracts for the purchase or
326 sale of goods, services, or real estate;

327 (v) Accusing any person of a crime or formally
328 censuring any person;

329 (vi) Disclosure of trade secrets or commercial or
330 financial information that is privileged or confidential;

331 (vii) Disclosure of information of a personal
332 nature where disclosure would constitute a clearly unwarranted
333 invasion of personal privacy;

334 (viii) Disclosure of investigatory records
335 compiled for law enforcement purposes;

336 (ix) Disclosure of information related to any
337 investigatory reports prepared by or on behalf of or for use of
338 the Commission or other committee charged with responsibility of



339 investigation or determination of compliance issues pursuant to
340 the Compact; or

341 (x) Matters specifically exempted from disclosure
342 by federal or member state statute.

343 (f) If a meeting, or portion of a meeting, is closed
344 pursuant to this provision, the Commission's legal counsel or
345 designee shall certify that the meeting may be closed and shall
346 reference each relevant exempting provision. The Commission shall
347 keep minutes that fully and clearly describe all matters discussed
348 in a meeting and shall provide a full and accurate summary of
349 actions taken, and the reasons therefore, including a description
350 of the views expressed. All documents considered in connection
351 with an action shall be identified in such minutes. All minutes
352 and documents of a closed meeting shall remain under seal, subject
353 to release by a majority vote of the Commission or order of a
354 court of competent jurisdiction.

355 (3) The Commission shall, by a majority vote of the
356 delegates, prescribe bylaws and/or rules to govern its conduct as
357 may be necessary or appropriate to carry out the purposes and
358 exercise the powers of the Compact, including but not limited to:

359 (a) Establishing the fiscal year of the Commission;

360 (b) Providing reasonable standards and procedures:

361 (i) For the establishment and meetings of other
362 committees; and



363 (ii) Governing any general or specific delegation
364 of any authority or function of the Commission;

365 (c) Providing reasonable procedures for calling and
366 conducting meetings of the Commission, ensuring reasonable advance
367 notice of all meetings, and providing an opportunity for
368 attendance of such meetings by interested parties, with enumerated
369 exceptions designed to protect the public's interest, the privacy
370 of individuals, and proprietary information, including trade
371 secrets. The Commission may meet in closed session only after a
372 majority of the membership votes to close a meeting in whole or in
373 part. As soon as practicable, the Commission must make public a
374 copy of the vote to close the meeting revealing the vote of each
375 member with no proxy votes allowed;

376 (d) Establishing the titles, duties and authority, and
377 reasonable procedures for the election of the officers of the
378 Commission;

379 (e) Providing reasonable standards and procedures for
380 the establishment of the personnel policies and programs of the
381 Commission. Notwithstanding any civil service or other similar
382 laws of any member state, the bylaws shall exclusively govern the
383 personnel policies and programs of the Commission;

384 (f) Promulgating a code of ethics to address
385 permissible and prohibited activities of Commission members and
386 employees;



387 (g) Providing a mechanism for winding up the operations
388 of the Commission and the equitable disposition of any surplus
389 funds that may exist after the termination of the Compact after
390 the payment and/or reserving of all of its debts and obligations;

391 (h) The Commission shall publish its bylaws and file a
392 copy thereof, and a copy of any amendment thereto, with the
393 appropriate agency or officer in each of the member states, if
394 any;

395 (i) The Commission shall maintain its financial records
396 in accordance with the bylaws;

397 (j) The Commission shall meet and take such actions as
398 are consistent with the provisions of this Compact and the bylaws.

399 (4) The Commission shall have the following powers:

400 (a) The authority to promulgate uniform rules to
401 facilitate and coordinate implementation and administration of
402 this Compact. The rules shall have the force and effect of law
403 and shall be binding in all member states;

404 (b) To bring and prosecute legal proceedings or actions
405 in the name of the Commission, provided that the standing of any
406 state EMS authority or other regulatory body responsible for EMS
407 personnel licensure to sue or be sued under applicable law shall
408 not be affected;

409 (c) To purchase and maintain insurance and bonds;



410 (d) To borrow, accept, or contract for services of
411 personnel, including, but not limited to, employees of a member
412 state;

413 (e) To hire employees, elect or appoint officers, fix
414 compensation, define duties, grant such individuals appropriate
415 authority to carry out the purposes of the Compact, and to
416 establish the Commission's personnel policies and programs
417 relating to conflicts of interest, qualifications of personnel,
418 and other related personnel matters;

419 (f) To accept any and all appropriate donations and
420 grants of money, equipment, supplies, materials and services, and
421 to receive, utilize and dispose of the same; provided that at all
422 times the Commission shall strive to avoid any appearance of
423 impropriety and/or conflict of interest;

424 (g) To lease, purchase, accept appropriate gifts or
425 donations of, or otherwise to own, hold, improve or use, any
426 property, real, personal or mixed; provided that at all times the
427 Commission shall strive to avoid any appearance of impropriety;

428 (h) To sell convey, mortgage, pledge, lease, exchange,
429 abandon, or otherwise dispose of any property real, personal, or
430 mixed;

431 (i) To establish a budget and make expenditures;

432 (j) To borrow money;

433 (k) To appoint committees, including advisory
434 committees comprised of members, state regulators, state



435 legislators or their representatives, and consumer
436 representatives, and such other interested persons as may be
437 designated in this Compact and the bylaws;

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

440 (m) To adopt and use an official seal; and

441 (n) To perform such other functions as may be necessary
442 or appropriate to achieve the purposes of this Compact consistent
443 with the state regulation of EMS personnel licensure and practice.

444 (5) Financing of the Commission.

445 (a) The Commission shall pay, or provide for the
446 payment of, the reasonable expenses of its establishment,
447 organization, and ongoing activities.

448 (b) The Commission may accept any and all appropriate
449 revenue sources, donations, and grants of money, equipment,
450 supplies, materials, and services.

451 (c) The Commission may levy on and collect an annual
452 assessment from each member state or impose fees on other parties
453 to cover the cost of the operations and activities of the
454 Commission and its staff, which must be in a total amount
455 sufficient to cover its annual budget as approved each year for
456 which revenue is not provided by other sources. The aggregate
457 annual assessment amount shall be allocated based upon a formula
458 to be determined by the Commission, which shall promulgate a rule
459 binding upon all member states.



460 (d) The Commission shall not incur obligations of any
461 kind prior to securing the funds adequate to meet the same; nor
462 shall the Commission pledge the credit of any of the member
463 states, except by and with the authority of the member state.

464 (e) The Commission shall keep accurate accounts of all
465 receipts and disbursements. The receipts and disbursements of the
466 Commission shall be subject to the audit and accounting procedures
467 established under its bylaws. However, all receipts and
468 disbursements of funds handled by the Commission shall be audited
469 yearly by a certified or licensed public accountant, and the
470 report of the audit shall be included in and become part of the
471 annual report of the Commission.

472 (6) Qualified immunity, defense, and indemnification.

473 (a) The members, officers, executive director,
474 employees and representatives of the Commission shall be immune
475 from suit and liability, either personally or in their official
476 capacity, for any claim for damage to or loss of property or
477 personal injury or other civil liability caused by or arising out
478 of any actual or alleged act, error or omission that occurred, or
479 that the person against whom the claim is made had a reasonable
480 basis for believing occurred within the scope of Commission
481 employment, duties or responsibilities; provided that nothing in
482 this paragraph shall be construed to protect any such person from
483 suit and/or liability for any damage, loss, injury, or liability



484 caused by the intentional or willful or wanton misconduct of that
485 person.

486 (b) The Commission shall defend any member, officer,
487 executive director, employee or representative of the Commission
488 in any civil action seeking to impose liability arising out of any
489 actual or alleged act, error, or omission that occurred within the
490 scope of Commission employment, duties, or responsibilities, or
491 that the person against whom the claim is made had a reasonable
492 basis for believing occurred within the scope of Commission
493 employment, duties, or responsibilities; provided that nothing
494 herein shall be construed to prohibit that person from retaining
495 his or her own counsel; and provided further, that the actual or
496 alleged act, error, or omission did not result from that person's
497 intentional or willful or wanton misconduct.

498 (c) The Commission shall indemnify and hold harmless
499 any member, officer, executive director, employee, or
500 representative of the Commission for the amount of any settlement
501 or judgment obtained against that person arising out of any actual
502 or alleged act, error or omission that occurred within the scope
503 of Commission employment, duties, or responsibilities, or that
504 such person had a reasonable basis for believing occurred within
505 the scope of Commission employment, duties, or responsibilities,
506 provided that the actual or alleged act, error, or omission did
507 not result from the intentional or willful or wanton misconduct of
508 that person.



509 **Section 11. Coordinated database.** (1) The Commission shall
510 provide for the development and maintenance of a coordinated
511 database and reporting system containing licensure, adverse
512 action, and significant investigatory information on all licensed
513 individuals in member states.

514 (2) Notwithstanding any other provision of state law to the
515 contrary, a member state shall submit a uniform data set to the
516 coordinated database on all individuals to whom this Compact is
517 applicable as required by the rules of the Commission, including:

518 (a) Identifying information;

519 (b) Licensure data;

520 (c) Significant investigatory information;

521 (d) Adverse actions against an individual's license;

522 (e) An indicator that an individual's privilege to
523 practice is restricted, suspended or revoked;

524 (f) Nonconfidential information related to alternative
525 program participation;

526 (g) Any denial of application for licensure, and the
527 reason(s) for such denial; and

528 (h) Other information that may facilitate the
529 administration of this Compact, as determined by the rules of the
530 Commission.

531 (3) The coordinated database administrator shall promptly
532 notify all member states of any adverse action taken against, or



533 significant investigative information on, any individual in a
534 member state.

535 (4) Member states contributing information to the
536 coordinated database may designate information that may not be
537 shared with the public without the express permission of the
538 contributing state.

539 (5) Any information submitted to the coordinated database
540 that is subsequently required to be expunged by the laws of the
541 member state contributing the information shall be removed from
542 the coordinated database.

543 **Section 12. Rulemaking.** (1) The Commission shall exercise
544 its rulemaking powers pursuant to the criteria set forth in this
545 section and the rules adopted thereunder. Rules and amendments
546 shall become binding as of the date specified in each rule or
547 amendment.

548 (2) If a majority of the Legislatures of the member states
549 rejects a rule, by enactment of a statute or resolution in the
550 same manner used to adopt the Compact, then such rule shall have
551 no further force and effect in any member state.

552 (3) Rules or amendments to the rules shall be adopted at a
553 regular or special meeting of the Commission.

554 (4) Prior to promulgation and adoption of a final rule or
555 rules by the Commission, and at least sixty (60) days in advance
556 of the meeting at which the rule will be considered and voted
557 upon, the Commission shall file a Notice of Proposed Rulemaking:



558 (a) On the website of the Commission; and
559 (b) On the website of each member state EMS authority
560 or the publication in which each state would otherwise publish
561 proposed rules.

562 (5) The Notice of Proposed Rulemaking shall include:

563 (a) The proposed time, date, and location of the
564 meeting in which the rule will be considered and voted upon;

565 (b) The text of the proposed rule or amendment and the
566 reason for the proposed rule;

567 (c) A request for comments on the proposed rule from
568 any interested person; and

569 (d) The manner in which interested persons may submit
570 notice to the Commission of their intention to attend the public
571 hearing and any written comments.

572 (6) Prior to adoption of a proposed rule, the Commission
573 shall allow persons to submit written data, facts, opinions, and
574 arguments, which shall be made available to the public.

575 (7) The Commission shall grant an opportunity for a public
576 hearing before it adopts a rule or amendment if a hearing is
577 requested by:

578 (a) At least twenty-five (25) persons;

579 (b) A governmental subdivision or agency; or

580 (c) An association having at least twenty-five (25)
581 members.



582 (8) If a hearing is held on the proposed rule or amendment,
583 the Commission shall publish the place, time, and date of the
584 scheduled public hearing.

585 (a) All persons wishing to be heard at the hearing
586 shall notify the executive director of the Commission or other
587 designated member in writing of their desire to appear and testify
588 at the hearing not less than five (5) business days before the
589 scheduled date of the hearing.

590 (b) Hearings shall be conducted in a manner providing
591 each person who wishes to comment a fair and reasonable
592 opportunity to comment orally or in writing.

593 (c) No transcript of the hearing is required, unless a
594 written request for a transcript is made, in which case the person
595 requesting the transcript shall bear the cost of producing the
596 transcript. A recording may be made in lieu of a transcript under
597 the same terms and conditions as a transcript. This subsection
598 shall not preclude the Commission from making a transcript or
599 recording of the hearing if it so chooses.

600 (d) Nothing in this section shall be construed as
601 requiring a separate hearing on each rule. Rules may be grouped
602 for the convenience of the Commission at hearings required by this
603 section.

604 (9) Following the scheduled hearing date, or by the close of
605 business on the scheduled hearing date if the hearing was not



606 held, the Commission shall consider all written and oral comments
607 received.

608 (10) The Commission shall, by majority vote of all members,
609 take final action on the proposed rule and shall determine the
610 effective date of the rule, if any, based on the rulemaking record
611 and the full text of the rule.

612 (11) If no written notice of intent to attend the public
613 hearing by interested parties is received, the Commission may
614 proceed with promulgation of the proposed rule without a public
615 hearing.

616 (12) Upon determination that an emergency exists, the
617 Commission may consider and adopt an emergency rule without prior
618 notice, opportunity for comment, or hearing, provided that the
619 usual rulemaking procedures provided in the Compact and in this
620 section shall be retroactively applied to the rule as soon as
621 reasonably possible, in no event later than ninety (90) days after
622 the effective date of the rule. For the purposes of this
623 provision, an emergency rule is one that must be adopted
624 immediately in order to:

625 (a) Meet an imminent threat to public health, safety,
626 or welfare;

627 (b) Prevent a loss of Commission or member state funds;

628 (c) Meet a deadline for the promulgation of an
629 administrative rule that is established by federal law or rule; or

630 (d) Protect public health and safety.



631 (13) The Commission or an authorized committee of the
632 Commission may direct revisions to a previously adopted rule or
633 amendment for purposes of correcting typographical errors, errors
634 in format, errors in consistency, or grammatical errors. Public
635 notice of any revisions shall be posted on the website of the
636 Commission. The revision shall be subject to challenge by any
637 person for a period of thirty (30) days after posting. The
638 revision may be challenged only on grounds that the revision
639 results in a material change to a rule. A challenge shall be made
640 in writing, and delivered to the chair of the Commission prior to
641 the end of the notice period. If no challenge is made, the
642 revision will take effect without further action. If the revision
643 is challenged, the revision may not take effect without the
644 approval of the Commission.

645 **Section 13. Oversight, dispute resolution, and enforcement.**

646 (1) Oversight:

647 (a) The executive, legislative, and judicial branches
648 of state government in each member state shall enforce this
649 Compact and take all actions necessary and appropriate to
650 effectuate the Compact's purposes and intent. The provisions of
651 this Compact and the rules promulgated hereunder shall have
652 standing as statutory law.

653 (b) All courts shall take judicial notice of the
654 Compact and the rules in any judicial or administrative proceeding
655 in a member state pertaining to the subject matter of this Compact



656 which may affect the powers, responsibilities or actions of the
657 Commission.

658 (c) The Commission shall be entitled to receive service
659 of process in any such proceeding, and shall have standing to
660 intervene in such a proceeding for all purposes. Failure to
661 provide service of process to the Commission shall render a
662 judgment or order void as to the Commission, this Compact, or
663 promulgated rules.

664 (2) Default, technical assistance and termination.

665 (a) If the Commission determines that a member state
666 has defaulted in the performance of its obligations or
667 responsibilities under this Compact or the promulgated rules, the
668 Commission shall:

669 (i) Provide written notice to the defaulting state
670 and other member states of the nature of the default, the proposed
671 means of curing the default and/or any other action to be taken by
672 the Commission; and

673 (ii) Provide remedial training and specific
674 technical assistance regarding the default.

675 (b) If a state in default fails to cure the default,
676 the defaulting state may be terminated from the Compact upon an
677 affirmative vote of a majority of the member states, and all
678 rights, privileges and benefits conferred by this Compact may be
679 terminated on the effective date of termination. A cure of the



680 default does not relieve the offending state of obligations or
681 liabilities incurred during the period of default.

682 (c) Termination of membership in the Compact shall be
683 imposed only after all other means of securing compliance have
684 been exhausted. Notice of intent to suspend or terminate shall be
685 given by the Commission to the Governor, the majority and minority
686 leaders of the defaulting state's Legislature, and each of the
687 member states.

688 (d) A state that has been terminated is responsible for
689 all assessments, obligations, and liabilities incurred through the
690 effective date of termination, including obligations that extend
691 beyond the effective date of termination.

692 (e) The Commission shall not bear any costs related to
693 a state that is found to be in default or that has been terminated
694 from the Compact, unless agreed upon in writing between the
695 Commission and the defaulting state.

696 (f) The defaulting state may appeal the action of the
697 Commission by petitioning the United States District Court for the
698 District of Columbia or the federal district where the Commission
699 has its principal offices. The prevailing member shall be awarded
700 all costs of such litigation, including reasonable attorney's
701 fees.

702 (3) Dispute resolution.



703 (a) Upon request by a member state, the Commission
704 shall attempt to resolve disputes related to the Compact that
705 arise among member states and between member and nonmember states.

706 (b) The Commission shall promulgate a rule providing
707 for both mediation and binding dispute resolution for disputes as
708 appropriate.

709 (4) Enforcement.

710 (a) The Commission, in the reasonable exercise of its
711 discretion, shall enforce the provisions and rules of this
712 Compact.

713 (b) By majority vote, the Commission may initiate legal
714 action in the United States District Court for the District of
715 Columbia or the federal district where the Commission has its
716 principal offices against a member state in default to enforce
717 compliance with the provisions of the Compact and its promulgated
718 rules and bylaws. The relief sought may include both injunctive
719 relief and damages. In the event judicial enforcement is
720 necessary, the prevailing member shall be awarded all costs of
721 such litigation, including reasonable attorney's fees.

722 (c) The remedies herein shall not be the exclusive
723 remedies of the Commission. The Commission may pursue any other
724 remedies available under federal or state law.

725 **Section 14. Date of implementation of the Interstate**
726 **Commission for EMS personnel practice and associated rules,**
727 **withdrawal, and amendment.** (1) The Compact shall come into



728 effect on the date on which the Compact statute is enacted into
729 law in the tenth member state. The provisions, which become
730 effective at that time, shall be limited to the powers granted to
731 the Commission relating to assembly and the promulgation of rules.
732 Thereafter, the Commission shall meet and exercise rulemaking
733 powers necessary to the implementation and administration of the
734 Compact.

735 (2) Any state that joins the Compact subsequent to the
736 Commission's initial adoption of the rules shall be subject to the
737 rules as they exist on the date on which the Compact becomes law
738 in that state. Any rule that has been previously adopted by the
739 Commission shall have the full force and effect of law on the day
740 the Compact becomes law in that state.

741 (3) Any member state may withdraw from this Compact by
742 enacting a statute repealing the same.

743 (a) A member state's withdrawal shall not take effect
744 until six (6) months after enactment of the repealing statute.

745 (b) Withdrawal shall not affect the continuing
746 requirement of the withdrawing state's EMS authority to comply
747 with the investigative and adverse action reporting requirements
748 of this act prior to the effective date of withdrawal.

749 (4) Nothing contained in this Compact shall be construed to
750 invalidate or prevent any EMS personnel licensure agreement or
751 other cooperative arrangement between a member state and a



752 nonmember state that does not conflict with the provisions of this
753 Compact.

754 (5) This Compact may be amended by the member states. No
755 amendment to this Compact shall become effective and binding upon
756 any member state until it is enacted into the laws of all member
757 states.

758 **Section 15. Construction and severability.** This Compact
759 shall be liberally construed so as to effectuate the purposes
760 thereof. If this Compact shall be held contrary to the
761 Constitution of any state member thereto, the Compact shall remain
762 in full force and effect as to the remaining member states.
763 Nothing in this Compact supersedes state law or rules related to
764 licensure of EMS agencies.

765 **SECTION 2.** The term "State EMS Authority," as referred to in
766 Section 2 of the EMS Personnel Licensure Interstate Compact, means
767 the Mississippi State Board of Health acting through the
768 Mississippi State Department of Health.

769 **SECTION 3.** Section 41-59-3, Mississippi Code of 1972, is
770 amended as follows:

771 41-59-3. As used in this chapter, unless the context
772 otherwise requires, the term:

773 (a) "Ambulance" means any privately or publicly owned
774 land or air vehicle that is especially designed, constructed,
775 modified or equipped to be used, maintained and operated upon the
776 streets, highways or airways of this state to assist persons who



777 are sick, injured, wounded, or otherwise incapacitated or
778 helpless;

779 (b) "Permit" means an authorization issued for an
780 ambulance vehicle and/or a special use EMS vehicle as meeting the
781 standards adopted under this chapter;

782 (c) "License" means an authorization to any person,
783 firm, corporation, or governmental division or agency to provide
784 ambulance services in the State of Mississippi;

785 (d) "Emergency medical technician" means an individual
786 who possesses a valid emergency medical technician's certificate
787 issued under the provisions of this chapter or who has a privilege
788 to practice under the Recognition of Emergency Medical Services
789 Personnel Licensure Interstate Compact;

790 (e) "Certificate" means official acknowledgment that an
791 individual has successfully completed (i) the recommended basic
792 emergency medical technician training course referred to in this
793 chapter which entitles that individual to perform the functions
794 and duties of an emergency medical technician, or (ii) the
795 recommended medical first responder training course referred to in
796 this chapter which entitles that individual to perform the
797 functions and duties of a medical first responder;

798 (f) "Board" means the State Board of Health;

799 (g) "Department" means the State Department of Health,
800 Division of Emergency Medical Services;



801 (h) "Executive officer" means the Executive Officer of
802 the State Board of Health, or his designated representative;

803 (i) "First responder" means a person who uses a limited
804 amount of equipment to perform the initial assessment of and
805 intervention with sick, wounded or otherwise incapacitated
806 persons;

807 (j) "Medical first responder" means a person who uses a
808 limited amount of equipment to perform the initial assessment of
809 and intervention with sick, wounded or otherwise incapacitated
810 persons who (i) is trained to assist other EMS personnel by
811 successfully completing, and remaining current in refresher
812 training in accordance with, an approved "First Responder:
813 National Standard Curriculum" training program, as developed and
814 promulgated by the United States Department of Transportation;

815 (ii) is nationally registered as a first responder by the National
816 Registry of Emergency Medical Technicians; and (iii) is certified
817 as a medical first responder by the State Department of Health,
818 Division of Emergency Medical Services;

819 (k) "Invalid vehicle" means any privately or publicly
820 owned land or air vehicle that is maintained, operated and used
821 only to transport persons routinely who are convalescent or
822 otherwise nonambulatory and do not require the service of an
823 emergency medical technician while in transit;

824 (l) "Special use EMS vehicle" means any privately or
825 publicly owned land, water or air emergency vehicle used to



826 support the provision of emergency medical services. These
827 vehicles shall not be used routinely to transport patients;

828 (m) "Trauma care system" or "trauma system" means a
829 formally organized arrangement of health care resources that has
830 been designated by the department by which major trauma victims
831 are triaged, transported to and treated at trauma care facilities;

832 (n) "Trauma care facility" or "trauma center" means a
833 hospital located in the State of Mississippi or a Level I trauma
834 care facility or center located in a state contiguous to the State
835 of Mississippi that has been designated by the department to
836 perform specified trauma care services within a trauma care system
837 pursuant to standards adopted by the department;

838 (o) "Trauma registry" means a collection of data on
839 patients who receive hospital care for certain types of injuries.
840 Such data are primarily designed to ensure quality trauma care and
841 outcomes in individual institutions and trauma systems, but have
842 the secondary purpose of providing useful data for the
843 surveillance of injury morbidity and mortality;

844 (p) "Emergency medical condition" means a medical
845 condition manifesting itself by acute symptoms of sufficient
846 severity, including severe pain, psychiatric disturbances and/or
847 symptoms of substance abuse, such that a prudent layperson who
848 possesses an average knowledge of health and medicine could
849 reasonably expect the absence of immediate medical attention to
850 result in placing the health of the individual (or, with respect



851 to a pregnant woman, the health of the woman or her unborn child)
852 in serious jeopardy, serious impairment to bodily functions, or
853 serious dysfunction of any bodily organ or part;

854 (q) "Emergency medical call" means a situation that is
855 presumptively classified at time of dispatch to have a high index
856 of probability that an emergency medical condition or other
857 situation exists that requires medical intervention as soon as
858 possible to reduce the seriousness of the situation, or when the
859 exact circumstances are unknown, but the nature of the request is
860 suggestive of a true emergency where a patient may be at risk;

861 (r) "Emergency response" means responding immediately
862 at the basic life support or advanced life support level of
863 service to an emergency medical call. An immediate response is
864 one in which the ambulance supplier begins as quickly as possible
865 to take the steps necessary to respond to the call;

866 (s) "Emergency mode" means an ambulance or special use
867 EMS vehicle operating with emergency lights and warning siren (or
868 warning siren and air horn) while engaged in an emergency medical
869 call.

870 **SECTION 4.** Section 41-59-29, Mississippi Code of 1972, is
871 amended as follows:

872 41-59-29. From and after January 1, 1976, every ambulance,
873 except those specifically excluded from the provisions of this
874 chapter, when transporting patients in this state, shall be
875 occupied by at least one (1) person who possesses a valid



876 emergency medical technician state certificate, or person who has
877 a privilege to practice under the Recognition of Emergency Medical
878 Services Personnel Licensure Interstate Compact; or
879 medical/nursing license and a driver with a valid resident
880 driver's license.

881 **SECTION 5.** Section 41-59-33, Mississippi Code of 1972, is
882 amended as follows:

883 41-59-33. (1) Any person desiring certification as an
884 emergency medical technician shall apply to the board using forms
885 prescribed by the board. Each application for an emergency
886 medical technician certificate shall be accompanied by a
887 certificate fee to be fixed by the board, which shall be paid to
888 the board. Any increase in the fee charged by the board under
889 this section shall be in accordance with the provisions of Section
890 41-3-65. Upon the successful completion of the board's approved
891 emergency medical technical training program, the board shall make
892 a determination of the applicant's qualifications as an emergency
893 medical technician as set forth in the regulations promulgated by
894 the board, and shall issue an emergency medical technician
895 certificate to the applicant.

896 (2) Any person who desires to exercise the privilege to
897 practice under the Recognition of Emergency Medical Services
898 Personnel Licensure Interstate Compact must complete the terms and
899 provisions of the Compact as prescribed in Section 1 of this act.



900 **SECTION 6.** Section 41-59-35, Mississippi Code of 1972, is
901 amended as follows:

902 41-59-35. (1) An emergency medical technician certificate
903 so issued shall be valid for a period not exceeding two (2) years
904 from the date of issuance and may be renewed upon payment of a
905 renewal fee to be fixed by the board, which shall be paid to the
906 board, provided that the holder meets the qualifications set forth
907 in this Chapter 59 and Chapter 60 and rules and regulations
908 promulgated by the board. Any increase in the fee charged by the
909 board under this subsection shall be in accordance with the
910 provisions of Section 41-3-65.

911 (2) The board is authorized to suspend or revoke a
912 certificate so issued at any time it is determined that the holder
913 no longer meets the prescribed qualifications.

914 (3) It shall be unlawful for any person, corporation or
915 association to, in any manner, represent himself or itself as an
916 Emergency Medical Technician-Basic, Emergency Medical
917 Technician-Intermediate, Emergency Medical Technician-Paramedic,
918 Emergency Medical Technician-Paramedic Critical Care, or Emergency
919 Medical Services Driver, or use in connection with his or its name
920 the words or letters of EMT, emt, paramedic, critical care
921 paramedic, or any other letters, words, abbreviations or insignia
922 which would indicate or imply that he or it is an Emergency
923 Medical Technician-Basic, Emergency Medical
924 Technician-Intermediate, Emergency Medical Technician-Paramedic,



925 Emergency Medical Technician-Paramedic Critical Care, or Emergency
926 Medical Services Driver, unless certified in accordance with
927 Chapters 59 and 60 of this title and in accordance with the rules
928 and regulations promulgated by the board; or a person who has a
929 privilege to practice under the Recognition of Emergency Medical
930 Services Personnel Licensure Interstate Compact. It shall be
931 unlawful to employ an uncertified Emergency Medical
932 Technician-Basic, Emergency Medical Technician-Intermediate,
933 Emergency Medical Technician-Paramedic, or Emergency Medical
934 Technician-Paramedic Critical Care to provide basic or advanced
935 life-support services.

936 (4) Any Emergency Medical Technician-Basic, Emergency
937 Medical Technician-Intermediate, Emergency Medical
938 Technician-Paramedic, Emergency Medical Technician-Paramedic
939 Critical Care, or Emergency Medical Services Driver who violates
940 or fails to comply with these statutes or the rules and
941 regulations promulgated by the board hereunder shall be subject,
942 after due notice and hearing, to an administrative fine not to
943 exceed One Thousand Dollars (\$1,000.00).

944 **SECTION 7.** This act shall take effect and be in force from
945 and after July 1, 2017.

