

1 **EMERGENCY MEDICAL SERVICES PERSONNEL**
2 **LICENSURE INTERSTATE COMPACT**

3 2016 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike Schultz**

6 Senate Sponsor: Evan J. Vickers

8 **LONG TITLE**

9 **General Description:**

10 This bill enacts the EMS Personnel Licensure Interstate Compact.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ enacts the EMS Personnel Licensure Interstate Compact.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 ENACTS:

20 **26-8c-101**, Utah Code Annotated 1953

21 **26-8c-102**, Utah Code Annotated 1953

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **26-8c-101** is enacted to read:

25 **CHAPTER 8c. EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

26 **26-8c-101. Title.**

27 This chapter is known as the "EMS Personnel Licensure Interstate Compact."

28 Section 2. Section **26-8c-102** is enacted to read:

29 **26-8c-102. EMS Personnel Licensure Interstate Compact.**

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

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

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

SECTION 2. DEFINITIONS

In this compact:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

100 Q. "Significant Investigatory Information" means:

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

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

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

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

112 SECTION 3. HOME STATE LICENSURE

113 A. Any member state in which an individual holds a current license shall be deemed a

114 home state for purposes of this compact.

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

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

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

123 2. Has a mechanism in place for receiving and investigating complaints about
124 individuals;

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

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

133 5. Complies with the rules of the Commission.

134 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

139 1. Be at least 18 years of age;

140 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
141 paramedic, or state recognized and licensed level with a scope of practice and authority

142 between EMT and paramedic; and

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

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

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

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

157 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
158 revoked the individual shall not be eligible to practice in any remote state until the individual's
159 privilege to practice is restored.

160 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

172 5. Other conditions as determined by rules promulgated by the commission.

173 SECTION 6. RELATIONSHIP TO EMERGENCY

174 MANAGEMENT ASSISTANCE COMPACT

175 Upon a member state's governor's declaration of a state of emergency or disaster that
176 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
177 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
178 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
179 practicing in the remote state in response to such declaration.

180 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING
181 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

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

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

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

192 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

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

222 SECTION 9. ADDITIONAL POWERS INVESTED

223 IN A MEMBER STATE'S EMS AUTHORITY

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

226 1. Issue subpoenas for both hearings and investigations that require the attendance and
227 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
228 EMS authority for the attendance and testimony of witnesses, and/or the production of
229 evidence from another member state, shall be enforced in the remote state by any court of
230 competent jurisdiction, according to that court's practice and procedure in considering
231 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
232 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
233 state where the witnesses and/or evidence are located; and

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

236 SECTION 10. ESTABLISHMENT OF THE INTERSTATE
237 COMMISSION FOR EMS PERSONNEL PRACTICE

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

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

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

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

246 B. Membership, Voting, and Meetings

247 1. Each member state shall have and be limited to one (1) delegate. The responsible
248 official of the state EMS authority or his designee shall be the delegate to this Compact for
249 each member state. Any delegate may be removed or suspended from office as provided by the
250 law of the state from which the delegate is appointed. Any vacancy occurring in the
251 Commission shall be filled in accordance with the laws of the member state in which the
252 vacancy exists. In the event that more than one board, office, or other agency with the
253 legislative mandate to license EMS personnel at and above the level of EMT exists, the

254 Governor of the state will determine which entity will be responsible for assigning the delegate.

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

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

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

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

- 266 a. Non-compliance of a member state with its obligations under the Compact;
- 267 b. The employment, compensation, discipline or other personnel matters, practices or
268 procedures related to specific employees or other matters related to the Commission's internal
269 personnel practices and procedures;
- 270 c. Current, threatened, or reasonably anticipated litigation;
- 271 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- 272 e. Accusing any person of a crime or formally censuring any person;
- 273 f. Disclosure of trade secrets or commercial or financial information that is privileged
274 or confidential;
- 275 g. Disclosure of information of a personal nature where disclosure would constitute a
276 clearly unwarranted invasion of personal privacy;
- 277 h. Disclosure of investigatory records compiled for law enforcement purposes;
- 278 i. Disclosure of information related to any investigatory reports prepared by or on
279 behalf of or for use of the Commission or other committee charged with responsibility of
280 investigation or determination of compliance issues pursuant to the compact; or
- 281 j. Matters specifically exempted from disclosure by federal or member state statute.

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

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

293 1. Establishing the fiscal year of the Commission;

294 2. Providing reasonable standards and procedures:

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

296 b. governing any general or specific delegation of any authority or function of the
297 Commission;

298 3. Providing reasonable procedures for calling and conducting meetings of the
299 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
300 for attendance of such meetings by interested parties, with enumerated exceptions designed to
301 protect the public's interest, the privacy of individuals, and proprietary information, including
302 trade secrets. The Commission may meet in closed session only after a majority of the
303 membership votes to close a meeting in whole or in part. As soon as practicable, the
304 Commission must make public a copy of the vote to close the meeting revealing the vote of
305 each member with no proxy votes allowed;

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

308 5. Providing reasonable standards and procedures for the establishment of the
309 personnel policies and programs of the Commission. Notwithstanding any civil service or

310 other similar laws of any member state, the bylaws shall exclusively govern the personnel
311 policies and programs of the Commission;

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

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

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

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

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

322 D. The Commission shall have the following powers:

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

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

329 3. To purchase and maintain insurance and bonds;

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

332 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
333 such individuals appropriate authority to carry out the purposes of the compact, and to establish
334 the Commission's personnel policies and programs relating to conflicts of interest,
335 qualifications of personnel, and other related personnel matters;

336 6. To accept any and all appropriate donations and grants of money, equipment,
337 supplies, materials and services, and to receive, utilize and dispose of the same; provided that

338 at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict
339 of interest;

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

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

345 9. To establish a budget and make expenditures;

346 10. To borrow money;

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

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

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

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

356 E. Financing of the Commission

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

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

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

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

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

370 5. The Commission shall keep accurate accounts of all receipts and disbursements.
371 The receipts and disbursements of the Commission shall be subject to the audit and accounting
372 procedures established under its bylaws. However, all receipts and disbursements of funds
373 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
374 and the report of the audit shall be included in and become part of the annual report of the
375 Commission.

376 F. Qualified Immunity, Defense, and Indemnification

377 1. The members, officers, executive director, employees and representatives of the
378 Commission shall be immune from suit and liability, either personally or in their official
379 capacity, for any claim for damage to or loss of property or personal injury or other civil
380 liability caused by or arising out of any actual or alleged act, error or omission that occurred, or
381 that the person against whom the claim is made had a reasonable basis for believing occurred
382 within the scope of Commission employment, duties or responsibilities; provided that nothing
383 in this paragraph shall be construed to protect any such person from suit and/or liability for any
384 damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of
385 that person.

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

394 3. The Commission shall indemnify and hold harmless any member, officer, executive
395 director, employee, or representative of the Commission for the amount of any settlement or
396 judgment obtained against that person arising out of any actual or alleged act, error or omission
397 that occurred within the scope of Commission employment, duties, or responsibilities, or that
398 such person had a reasonable basis for believing occurred within the scope of Commission
399 employment, duties, or responsibilities, provided that the actual or alleged act, error, or
400 omission did not result from the intentional or willful or wanton misconduct of that person.

401 SECTION 11. COORDINATED DATABASE

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

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

- 408 1. Identifying information;
- 409 2. Licensure data;
- 410 3. Significant investigatory information;
- 411 4. Adverse actions against an individual's license;
- 412 5. An indicator that an individual's privilege to practice is restricted, suspended or
413 revoked;
- 414 6. Non-confidential information related to alternative program participation;
- 415 7. Any denial of application for licensure, and the reason(s) for such denial; and
- 416 8. Other information that may facilitate the administration of this Compact, as
417 determined by the rules of the Commission.

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

421 D. Member states contributing information to the coordinated database may designate

422 information that may not be shared with the public without the express permission of the
423 contributing state.

424 E. Any information submitted to the coordinated database that is subsequently required
425 to be expunged by the laws of the member state contributing the information shall be removed
426 from the coordinated database.

427 SECTION 12. RULEMAKING

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

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

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

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

439 1. On the website of the Commission; and

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

442 E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

449 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit

450 written data, facts, opinions, and arguments, which shall be made available to the public.

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

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

454 2. A governmental subdivision or agency; or

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

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

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

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

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

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

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

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

477 K. If no written notice of intent to attend the public hearing by interested parties is

478 received, the Commission may proceed with promulgation of the proposed rule without a
479 public hearing.

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

- 486 1. Meet an imminent threat to public health, safety, or welfare;
- 487 2. Prevent a loss of Commission or member state funds;
- 488 3. Meet a deadline for the promulgation of an administrative rule that is established by
489 federal law or rule; or
- 490 4. Protect public health and safety.

491 M. The Commission or an authorized committee of the Commission may direct
492 revisions to a previously adopted rule or amendment for purposes of correcting typographical
493 errors, errors in format, errors in consistency, or grammatical errors. Public notice of any
494 revisions shall be posted on the website of the Commission. The revision shall be subject to
495 challenge by any person for a period of thirty (30) days after posting. The revision may be
496 challenged only on grounds that the revision results in a material change to a rule. A challenge
497 shall be made in writing, and delivered to the chair of the Commission prior to the end of the
498 notice period. If no challenge is made, the revision will take effect without further action. If
499 the revision is challenged, the revision may not take effect without the approval of the
500 Commission.

501 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

502 A. Oversight

- 503 1. The executive, legislative, and judicial branches of state government in each
504 member state shall enforce this compact and take all actions necessary and appropriate to
505 effectuate the compact's purposes and intent. The provisions of this compact and the rules

506 promulgated hereunder shall have standing as statutory law.

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

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

514 B. Default, Technical Assistance, and Termination

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

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

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

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

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

531 4. A state that has been terminated is responsible for all assessments, obligations, and
532 liabilities incurred through the effective date of termination, including obligations that extend
533 beyond the effective date of termination.

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

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

541 C. Dispute Resolution

542 1. Upon request by a member state, the Commission shall attempt to resolve disputes
543 related to the compact that arise among member states and between member and non-member
544 states.

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

547 D. Enforcement

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

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

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

558 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
559 COMMISSION FOR EMS PERSONNEL PRACTICE AND
560 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

561 A. The compact shall come into effect on the date on which the compact statute is

562 enacted into law in the tenth member state. The provisions, which become effective at that
563 time, shall be limited to the powers granted to the Commission relating to assembly and the
564 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers
565 necessary to the implementation and administration of the compact.

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

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

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

574 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's
575 EMS authority to comply with the investigative and adverse action reporting requirements of
576 this act prior to the effective date of withdrawal.

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

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

583 SECTION 15. CONSTRUCTION AND SEVERABILITY

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