

1 **Recognition of Emergency Medical Services Personnel**
2 **Licensure Interstate Compact (REPLICA)**

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4 **Interstate Commission for Emergency Medical Services**
5 **(EMS) Personnel Practice**

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9 **Title of Rule:** Rule on Rulemaking

10 **Drafted:** June 21, 2017

11 **Effective:** TBD

12 **Amended:** **October 8, 2017**

13 **History of Rule:**

14 **Introduced for public hearing on August 3, 2017**

15 **Public hearing on October 8, 2017, amended**

16 **Chapter 1:** Rulemaking

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18 **Authority:** **Section 10:** Establishment of an Interstate Commission for
19 EMS Personnel Practice

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21 **Section 12:** Rulemaking

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23 **1.0 Purpose:** **Pursuant to Section 12,** the Interstate Commission for EMS
24 Personnel Practice shall promulgate reasonable rules in order
25 to effectively and efficiently achieve the purposes of REPLICA.
26 The rule will become effective upon passage by the EMS
27 Interstate Commission for EMS Personnel Practice –
28 Recognition of EMS Personnel Licensure Interstate Compact
29 (REPLICA)

30 **1.1 Definition(s):** (a) **“Commission”** means: the national administrative body of
31 which all states that have enacted the Compact are members.
32 (b) **“Compact”** means: Recognition of Emergency Medical
33 Services Personnel Licensure Interstate Compact.
34 (c) **“Commissioner”** means: as the appointed delegate from
35 each state as described in Section 10.B.1. of the Compact.
36 (d) **“Member State”** means: a state that has enacted this
37 Compact.
38

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

9 (f) **“State”** means: means any state, commonwealth, district, or
10 territory of the United States.
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12 **1.2 Proposed rules or amendments:** to the rules shall be adopted by majority
13 vote of the members of the Commission in the following manner:
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15 (a) Proposed new rules and amendments to existing rules shall be submitted to
16 the Commission office for referral to the Rules Committee as follows:
17

18 (1) Any Commissioner may submit a proposed rule or rule amendment
19 for referral to the Rules Committee during the next scheduled
20 Commission meeting. This proposal shall be made in the form of a
21 motion and approved by a majority vote of a quorum of the Commission
22 members present at the meeting;

23 (2) Standing Committees of the Commission may propose rules or rule
24 amendments by majority vote of that Committee;
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26 **1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide
27 the draft to all Commissioners for review and comments. Based on the comments
28 made by the Commissioners the Rules Committee shall prepare a final draft of the
29 proposed rule(s) or amendments for consideration by the Commission not later
30 than the next Commission meeting.
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32 **1.4 Prior to promulgation and adoption of a final rule:** In accordance with
33 Section 12 of the Compact, the Commission shall publish the text of the proposed
34 rule or amendment prepared by the Rules Committee not later than 60 days prior to
35 the meeting at which the vote is scheduled, on the official web site of the
36 Commission and in any other official publication that may be designated by the
37 Commission for the publication of its rules. All written comments received by the
38 Rules Committee on proposed rules shall be posted on the Commission’s website
39 upon receipt. In addition to the text of the proposed rule or amendment, the reason
40 for the proposed rule shall be provided.
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43 **1.5 Each administrative rule or amendment shall state:**
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45 (a) The place, time, and date of the scheduled public hearing;

- 1 (b) The manner in which interested persons may submit notice to the
2 Commission of their intention to attend the public hearing and any
3 written comments; and
4 (c) The name, position, physical and electronic mail address, telephone, and,
5 telefax number of the person to whom interested persons may respond
6 with notice of their attendance and written comments.
7

8 **1.6 Public Hearings:** Every public hearing shall be conducted in a manner
9 guaranteeing each person who wishes to comment a fair and reasonable
10 opportunity to comment. In accordance with Section 12.H. of the Compact,
11 specifically:
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13 (a) If a hearing is held on the proposed rule or amendment, the Commission
14 shall publish the place, time, and date of the scheduled public hearing.

15 (b) All persons wishing to be heard at the hearing shall notify the
16 Chairperson of the Commission or other designated member in writing of
17 their desire to appear and testify at the hearing not less than five (5)
18 business days before the scheduled date of the hearing.

19 (c) Hearings shall be conducted in a manner providing each person who
20 wishes to comment a fair and reasonable opportunity to comment orally or
21 in writing.

22 (d) No transcript of the public hearing is required, unless a written request
23 for a transcript is made; in which case the person or entity making the
24 request shall pay for the transcript. A recording may be made in lieu of a
25 transcript under the same terms and conditions as a transcript. This
26 subsection shall not preclude the Commission from making a transcript or
27 recording of the public hearing.

28 (e) Nothing in this section shall be construed as requiring a separate hearing
29 on each rule. Rules may be grouped for the convenience of the Commission
30 at hearings required by this section.

31 (f) Following the scheduled hearing date, or by the close of business on the
32 scheduled hearing date if the hearing was not held, the Commission shall
33 consider all written and oral comments received.

34 (g) The Commission shall, by majority vote of a quorum of the
35 Commissioners, take final action on the proposed rule and shall determine
36 the effective date of the rule, if any, based on the rulemaking record and the
37 full text of the rule.
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39 **1.7 Status of Rules upon adoption of Compact additional member states:** Any
40 state that joins the Compact subsequent to the Commission's initial adoption of the
41 rules shall be subject to the rules as they exist on the date on which the Compact
42 becomes law in that state. Any rule that has been previously adopted by the
43 Commission shall have the full force and effect of law on the day the Compact
44 becomes law in that state.

1 **1.8 Emergency Rulemaking:** Upon determination that an emergency exists, the
2 Commission may consider and adopt an emergency rule that shall become effective
3 immediately upon adoption, provided that the usual rulemaking procedures
4 provided in the Compact and in this section shall be retroactively applied to the rule
5 as soon as reasonably possible, in no event later than (90) ninety days after the
6 effective date of the rule. An emergency rule is one that must be made effective
7 immediately in order to:

- 8
- 9 (a) Meet an imminent threat to public health, safety, or welfare;
 - 10 (b) Prevent a loss of federal or state funds;
 - 11 (c) Meet a deadline for the promulgation of an administrative rule that is
 - 12 established by federal law or rule; or
 - 13 (d) Protect public health and safety.
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