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1
2 **INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE**
3 **OCTOBER 7 & 8, 2017 – MEETING MINUTES**
4
5
6

7 **Saturday, October 7, 2017**
8

9 **Attendance:** Jeanne-Marie Bakehouse (Colorado), Diane McGinnis-Hainsworth (Delaware),
10 Keith Wages (Georgia), Wayne Denny (Idaho), Joe House (Kansas), Alisa Williams (Mississippi),
11 Donna G. Tidwell (Tennessee), Joe Schmider (Texas), Guy Dansie (Utah), Gary Brown (Virginia),
12 Andy Gienapp (Wyoming)

13
14 Stephen Wilson (Alabama) arrived at 3:40p.m.CST
15

16 **Public Attendance:** sign in sheet attached
17

18 1:00p.m.CST Opening ceremonies commence.
19

20 Donnie Woodyard, NREMT, led the group in the Pledge of Allegiance
21

22 Sue Prentiss, advocate, welcomed the members of the Commission and the public in attendance.
23 Members of the virtual audience were welcomed as well.
24

25 Dale Adkerson, Oklahoma State EMS director welcomed the Commission to Oklahoma City and
26 congratulated the group on their efforts.
27

28 Dia Gainor, NASEMSO and Rick Masters, National Center for Intestate Compacts (NCIC) presented
29 the history of the development of the Recognition of EMS Personnel Licensure Compact
30 (REPLICA).
31

32 **Members of the Inaugural Meeting Workgroup introduced the three Honorary**
33 **Chairs for the Interstate Commission for EMS Personnel Practice:**
34

35 Dia Gainor, NASEMSO was introduced by Jeanne-Marie Bakehouse (Colorado).

36 Debra Cason, NREMT was introduced by Donna G. Tidwell (Tennessee).

37 Rick Patrick, DHS, Office of Health Affairs was introduced by Joe Schmider (Texas).
38

1 **Seating of Commissioners by Honorary Chairs, in order of states enactment of**
 2 **REPLICA:**

3
 4 **Dia Gainor:**

5
 6 Jeanne Marie Bakehouse Colorado
 7 Joe Schmider Texas
 8 Gary Brown Virginia
 9 Wayne Denny Idaho

10
 11 **Debra Cason**

12
 13 Guy Dansie Utah
 14 Joe House Kansas
 15 Donna G. Tidwell Tennessee
 16 Andy Gienapp Wyoming

17
 18 **Rick Patrick**

19
 20 Alisa Williams Mississippi
 21 Keith Wages Georgia
 22 Stephen Wilson Alabama**
 23 Diane McGinnis – Hainsworth Delaware

24
 25 Doug Wolfberg, Esq. was introduced as the interim chair.

26
 27 Rick Masters, Esq., was introduced as special counsel at the NCIC and here as an advisor the
 28 REPLICA states, NASEMSO and the Commission.

29
 30 **Meeting was gaveled to order by Interim Chair Wolfberg at 2:10p.m. CST**

31
 32 A roll call of the Commission Member states was performed by Interim Chair Wolfberg.

33
 34 **Present:** Colorado, Delaware, Georgia, Idaho, Kansas, Mississippi, Tennessee, Texas, Virginia,
 35 Utah, and Wyoming. Alabama was absent for the roll call.

36
 37 **Role of EMS Compact Commission, Commissioner and Expectations:**

38
 39 Susan Tedford, MNSc, ARNP, executive director of the Arkansas Board of Nursing, and chair of the
 40 Enhanced Nurse Licensure Compact, was introduced to the group. Susan presented on the “Role
 41 of EMS Compact Commission, Commissioners and Expectations.”
 42
 43
 44

Commission Administration and Operations – Session #1:

Consideration of interim bylaws motions

Joe Schmider, moved to open the interim bylaws discussion:

Rick Masters and Interim Chair Wolfberg reviewed each section of the bylaws with an explanation and lead the discussion. The following motions were offered by section and in-order of the discussion, actions taken.

Article I. Commission Purpose, Function and Bylaws

Stephen Wilson (Alabama) moved to strike the reference to Recognition of EMS Personnel Licensure Compact Commission and replace with Interstate Commission for EMS Personnel Practice found in Article I. Section 1. Seconded by Andy Gienapp (Wyoming).

Motion passed 12-0

Wayne Denny, (Idaho) moved to strike the words/phrase “delegated to by the Member States” from the first sentence of Article I. Section 2 and replace with “as provided by the Compact.” Seconded Joe Schmider (Texas).

Motion passed 11 - 0

Article II. Membership

No motions.

Article III. Officers

Donna G. Tidwell (Tennessee) moved to replace “at the annual meeting” with “at the annual meeting or any special meeting as provided by the bylaws” in the second sentence of Article III. Section 1. Seconded Guy Dansie (Utah).

Motion passed 11-0

Donna G. Tidwell (Tennessee) moved to remove “A Commissioner-At-Large will be elected by the membership of the Commission as a whole to an initial two-year term. The At-large position will be elected concurrent with the Chairperson and Treasurer.” from Article III. Section 2 and move to the last sentence of Article VII. Section 1. Seconded Wayne Denny (Idaho).

Discussion followed.

Motion passed 11-0

1
2
3 **Article IV. Commission Offices and Personnel**
4

5 Donna G. Tidwell (Tennessee) moved to strike “the Commission secretary and” from the last
6 sentence in Article IV. Section 1. Seconded by Joe Schmider (Texas).
7

8 **Motion passed 12-0**
9

10 **Article V. Qualified Immunity, Defense and Indemnification**

11 No motions.

12 **Article VI. Meetings of the Commission**
13

14 Joe Schmider (Texas) moved to replace “Compact Section 10, B. 2” with “Compact Section 10, B. 5 ”
15 in the second paragraph, first sentence of Article VI. Section 1. Seconded by Jeanne-Marie
16 Bakehouse (Colorado).
17

18 **Motion passed 12-0**
19

20 **Article VII. Committees**
21

22 Donna Tidwell (Tennessee) moved strike the word “not” from the last sentence of Article VII.
23 Section 2. Seconded by Joe House (Kansas).
24

25 Discussion followed.
26

27 **The motion was withdrawn by Donna G. Tidwell, (Tennessee) and Joe House (Kansas).**
28

29 Andy Gienapp (Wyoming) moved to strike final sentence in Article VII. Section 2 taking out
30 “Committee’s created under this Article VII. Section 1 are not subject to the requirements of
31 Article VI of these Bylaws.” Seconded by Alisa Williams (Mississippi).
32

33 Discussion followed.
34

35 Friendly amendment by Alisa Williams (Mississippi) to include striking the last paragraph of
36 Article VI. Section 1 removing “Committee’s established pursuant to Article VII Section 2 of these
37 bylaws are not subject to the requirements of this Article.” Accepted by Andy Gienapp (Wyoming).
38

39 **Motion passed 12-0**
40

41 **Article VIII. Finance**
42

43 No motions.
44

1 **IX. Withdrawal, Default and Termination**

2
3 No motions

4
5 **X. Adoption and Amendment of Bylaws**

6
7 No motions.

8
9 **XI. Dissolution of Compact**

10
11 No motions.

12
13 Joe Schmider (Texas) moved that there not be more than 4 members of the Commission on any
14 Committee call/meeting. Seconded by Donna G. Tidwell (Tennessee).

15
16 Discussion followed.

17
18 **Motion defeated 12-0**

19
20 Donna G. Tidwell (Tennessee) moved to **approve bylaws as amended**. Seconded by Gary Brown,
21 Virginia.

22
23 **Motion passed 12-0**

24
25
26 **Nomination of Commission Officers**

27
28 Interim Chair Wolfberg reviewed with the Commission the nomination and election process for
29 the Commission, based on the newly adopted Bylaws and Roberts Rules of Order.

30
31 Interim Chair Wolfberg opened the floor for **nominations**:

32
33 **Chair** – Joe Schmider, (Texas) nominated by Donna G. Tidwell (Tennessee) and Stephen Wilson
34 (Alabama)

35
36 **Vice Chair** – Jeanne-Marie Bakehouse (Colorado) nominated by Alisa Williams (Mississippi) and
37 Joe House (Kansas)

38
39 **Treasurer** – Stephen Wilson (Alabama) nominated by Guy Dansie (Utah) and Keith Wages
40 (Georgia)

41
42 **Secretary** – Andy Gienapp (Wyoming) nominated by Jeanne-Marie Bakehouse (Colorado) and
43 Wayne Denny (Idaho)

44

1 **Member at Large** – Donna G. Tidwell (Tennessee), nominated by Andy Gienapp (Wyoming) Joe
2 Schmider

3
4 Interim Chairmen reminded Commission that the elections will be held in the morning, the floor
5 will remain open for nominations until tomorrow morning, October 8, 2017.
6

7 **Non – Commissioner - Open to the Public:**

8
9 Drew Dawson made a statement to the group as Interim Executive Director of NREMT.
10 NREMT is prepared to offer in-kind services to help support administration of the Commission,
11 including general day to day, meeting support and logistics to Commission and subcommittees,
12 website presence and email support. NREMT has already invested approximately 1.5 million into
13 the national Coordinated database. NREMT plans to provide technical assistance support to
14 Compact states. Once the Commission elects its leadership a discussion regarding a Memorandum
15 of Understanding for these in-kind services will occur.

16
17 REPLICA Advocacy will continue to be supported and the NREMT has opened discussion with
18 NASEMSO Board of Directors about this proposal. Continued education and advocacy at the state
19 level to be supported.
20

21 **Meeting gaveled to a close for the day 4:46p.m. CST**

22
23
24 **Sunday, October 8, 2017**

25
26 **Attendance:** Stephen Wilson (Alabama), Jeanne-Marie Bakehouse (Colorado), Diane McGinnis-
27 Hainsworth (Delaware), Keith Wages (Georgia), Wayne Denny (Idaho), Joe House (Kansas), Alisa
28 Williams (Mississippi), Donna G. Tidwell (Tennessee), Joe Schmider (Texas), Guy Dansie (Utah),
29 Gary Brown (Virginia), Andy Gienapp (Wyoming)
30

31 **Meeting gaveled to order by Interim Chair Doug Wolfberg at 8:11a.m. CST**

32
33 A roll call of the Commission Member states was performed by Interim Chair Wolfberg. Sheet
34 attached.
35

36 **Present:** Alabama, Colorado, Delaware, Georgia, Idaho, Kansas, Tennessee, Texas, Virginia, Utah,
37 and Wyoming. Mississippi arrived at 8:40a.m. CST and Georgia absent for roll call, arrived at
38 8:20a.m.CST
39

40 Interim Chair offered an overview of day one, October 7, 2017, which included finalizing bylaws
41 with amendments and reviewing the nominations and elections process. Officer candidates were
42 nominated from the floor.
43

44 Debra Cason of NREMT seated Stephen Wilson from Alabama.
45

46 **Election of Officers:**

1
2 Interim Chair Wolfberg called for any nominations from the floor for Chair, Vice Chair, Treasurer,
3 Secretary, At-member of large. No further nominations were received.

4
5 There was a motion by Gary Brown, (Virginia) and seconded by Wayne Denny (Idaho) to move the
6 slate of officers by acclimation. Discussion to move the slate of officers by acclimation was
7 opened.

8
9 **Motion passes unanimously 11-0**

10
11 Interim Chair Wolfberg thanked the group for the honor of serving in this role, noted that this is
12 legacy work. Interim Chair Wolfberg also offered to assist the Commission in any way he could as
13 he strongly supports the work of the Commission.

14
15 Interim Chair Wolfberg turned the gavel over to Chairman Schmider. The chairman expressed his
16 gratitude for the Commission's support and is honored to be the first chair. He sees the benefits
17 for the nation's EMS in the implementation of an Interstate Compact and noted that this will only
18 be accomplished by working together.

19
20 **Transitional Issues:**

21
22 Sue Prentiss, advocate, and Rick Masters, special counsel, opened the discussion on transitional
23 issues. They reviewed day one meeting events. The Commission began discussion regarding
24 Committees": types of committees, public nature of the work, and having a workplan (template
25 developed). Much of this was discussed on the Sept. 18, 2017 webinar. At the time in the agenda,
26 Rick Masters suggested to the Chair that he entertain a motion to officially adopt the Committees.
27 The chair has the prerogative to appoint the members.

28
29 Rick Masters discussed the FBI background check issue. Particularly, for states that have not done
30 this before, members must reach out to the appropriate state agency, criminal justice bureau,
31 (spokesperson for FBI in each state) that has oversight/authority for the background check
32 process. It is important for each state to make sure that it has the proper enabling language and
33 authority to conduct these background checks. Rick Masters stated that although the Compact has
34 the background check provision in it, the FBI does not agree that this language on its own is
35 sufficient. FBI wants to make sure these checks are properly protected and that privacy is
36 appropriately protected. It is not a matter of sharing checks with the Commission. A possible
37 webinar will be planned for states working within the five-year window to implement the FBI
38 compliant check with biometric data.

39
40 Rick Masters also reminded the Commission of the posting requirements for proposed rules at the
41 state-by-state level. States have established a process for posting on the website, even if it's just a
42 link to the Commission notices.

43
44 Chairman Schmider opened a discussion about what states believe the Compact can and cannot do
45 as a starting point. Before the group can promulgate rules, there must be clarity between members
46 of the Commission on how the Compact will operate in their state and between all members. The

1 Compact is coming to a high-level consensus on what its is developing. The Commissioners
2 engaged in a discussion of their perspectives, common ground, as well as areas that need further
3 clarification. There is infrastructure that needs to be built so that the Compact can operate.
4

5 Chairman Schmider called at break at 9:20a.m.CST
6

7 **9:30a.m. CST Public Hearing, Chapter One, “Rule on Rulemaking”, Chairman
8 Schmider gaveled the hearing to order.**
9

10 Rick Masters reviewed Chapter One, section by section.
11

12 **Public Hearing:**

13
14 **Chapter One: Rule on Rulemaking**

15
16 **Section 1.0 Purpose**

17
18 No motions.
19

20 **Section 1.1 Definitions**

21
22 Wayne Denny (Idaho) move to add the language for a definition of Commissioner “as the
23 appointed delegate from each state as described in Section 10 B. of the Compact.” To section 1.1
24 Definitions. Also Compact should be REPLICA spelled out. Seconded by Alisa Williams.

25 **Motion passed 12-0**

26
27 **Section 1.2 Proposed Rules and Amendments**

28
29 No motions.
30

31 **Section 1.3 The Rules Committee**

32
33 Motion by Andy Gienapp (Wyoming), to move the second sentence starting with “All written
34 comments revised by the Rules Committee on proposed rules shall be posted on the Commission
35 website upon receipt” to Section 1.4. Seconded by Stephen Wilson (Alabama).
36

37 **Motion Passed 12-0**

38
39 **1.4 Prior to the promulgation and adoption of a final rule**

40
41 Motion Alisa Williams (Mississippi) to add language from the Compact, Section 12 D 1 & 2 to keep
42 this consistent with the Compact. Seconded from Gary Brown (Virginia).
43

44 Further discussion. Intent clarified.

1
2 **Motion withdrawn by Alisa Williams (Mississippi) and Donna G. Tidwell, (Tennessee).**

3
4
5 **1.5 Each Administrative Rule or Amendment shall state:**

6 Donna G. Tidwell (Tennessee) moved we place an “or” in item (c) after “telephone and”. Seconded
7 by Guy Dansie (Utah)

8 Discussion followed.

9 **Motion withdrawn by Donna G. Tidwell (Tennessee) and Guy Dansie (Utah).**

10 **1.6 Public Hearings**

11 No motions

12 **1.7 Status of Rules upon adoption of Compact additional member states**

13 No motions

14 **1.8 Judicial Review Petition**

15 Andy Gienapp, (Wyoming) moved remove Section 1.8 Judicial Review Petition in its entirety.
16 Seconded by Guy Dansie (Utah).

17 Discussion followed.

18 **Motion passed 12-0**

19 **1.9 Emergency Rulemaking (as published)**

20 Guy Danise (Utah) moved to remove item (d) “Protect public health and safety.” As item (a) “Meet
21 an imminent threat to public health, safety, and welfare;” covers the same content. Seconded by
22 Donna G. Tidwell (Tennessee).

23 Discussion followed. This discussion included that item (d) was already in the statute and the
24 Compact and this rule should be mirrored.

25 **Motion withdrawn by Guy Dansie (Utah) and Donna G. Tidwell (Tennessee).**

26 Motion by Gary Brown (Virginia) seconded by Guy Dansie and to adopt Chapter One, Rule on
27 Rulemaking with the additions, deletions and corrections.

28 **Motion passed 12-0**

29 Public Hearing closed by Chairman Schmider.

1 Meeting gaveled back to order by Chairman Schmider.

2 **Committee Structure and Function:**

3 A Discussion was opened about Commission committee structure and adoption. Rick Masters,
4 special counsel, reviewed the structure and role of Committees other Commissions have
5 appointed. Commission members discussed the different types of Committees and compared them
6 to the group's current status.

7
8 Chairman Schmider pointed out there already was an Executive Committee. The group could work
9 on the budget items and sustainability prior to setting up a Budget Committee.

10
11 Gary Brown, (Virginia) wants to assess what are "our" relationships?

12
13 Drew Dawson stated NREMT plans to support Advocacy and Commission administration, and
14 clearly stated that these services were/are separate moving forward with the proposed
15 agreement. The organization needs a formal discussion with the Executive Committee regarding
16 the development of MOU's for these efforts.

17
18 The Commission affirmed with Rick Masters that Council of State Governments and National
19 Center for Interstate Compacts are under an MOU with NASEMSO for Counsel. Executive
20 Committee would need to handle this as well.

21
22 Wayne Denny, (Idaho) expressed concern that there are only twelve Commissioners, and felt that
23 the entire group needs to have a voice in some of the big decisions. Chairman Schmider affirmed
24 that the Executive Committee would work on the details, and bring to the full group for decisions.

25
26 A decision was made to not set up any new committees outside of the Executive Committee at this
27 point as the focus must be on the MOUs.

28
29 Andy Gienapp, (Wyoming) re-capped the current inventory of items that need discussion and
30 action with includes: Advocacy MOU, Legal Counsel in the future, and the relationship with
31 NREMT and NASEMSO.

32
33 Wayne Denny (Idaho) offered that all opportunities be discussed and the possibility of issuing a
34 request for proposal to see what other opportunities for management exist be considered. Wayne
35 Denny wanted to make sure all deliverables are on paper for the discussion. Chairman Schmider
36 reminded all that we don't have the support or budget to move forward in that manner.

37
38 Chairman Schmider (Texas) stated that it was important to get all the details on paper, to hold a
39 limited number of preliminary calls of the Executive Committee and then bring the final document
40 back to the entire Commission, with a goal to finalize between Christmas and New Years. The
41 Commission will develop the concepts paper to discuss, legal review and work to have this process
42 completed by the end of the December. Discussion followed.

43

1 Members discussed planning of the next meeting, February 26-27, 2017 hosted by the Tennessee
2 EMS Office, Donna G. Tidwell. It will begin at 1:00 p.m. on Monday and end at 5:00 p.m. Tuesday.

3

4 **Commission Administration & Operation – Session #2:**

5 Sue Prentiss, advocate, stated that all items on the agenda were covered on the September 18,
6 2017 webinar. This was done in order to help prepare members for conversation today.

7 Rick Masters, special counsel, stated that in terms of budgeting for Commission and Compact
8 operations that this group has had and is having the same conversations that other like bodies
9 have had at this point. It will be important to formally establish relationships. Rick highlighted
10 that this is a government organization and the states are responsible for making these plans and
11 decisions.

12 A discussion was held regarding to what states did or did not include in fiscal notes, what
13 potential budget impacts could be at the state level. Commission members shared if they had
14 attached a fiscal note, and what some of their concerns are about future costs outside of travel.

15 Rick Masters, special counsel and Dia Gainor, (NASEMSO) reviewed funding that the Physicians
16 Compact and the Physical Therapy Compacts have received from the United States Health
17 Resources and Services Administration. Dia had asked Rick about potential sources of federal
18 funding. Donna G. Tidwell (Tennessee) asked about the possibility of Homeland Security funding.

19 Alisa Williams (Mississippi) and Sue Prentiss, advocate pointed to the “REPLICA Status Statement”
20 on the www.emsreplica.org website under the Commission page, Compact Governance “Status
21 Statement”.

22 Andy Gienapp (Wyoming) wanted to make sure that the Commission opportunities are taken to
23 make sure that EMS media related groups/organization are updated on the status of REPLICA.
24 Sue Prentiss, advocate, stated that a press release had been prepared.

25 Donna G. Tidwell (Tennessee) and Guy Dansie (Utah) stated that posting of all updated documents
26 is important to transparency.

27 Sue Prentiss, advocate, provided an overview of Advocacy activities over the past year and asked
28 for input from Commission members as how to proceed over the next year.

29 **Lunch Break**

30 **Chairman Schmider gaveled the meeting back to order after lunch.**

31 Donnie Woodyard (NREMT) gave an overview of the planning for the Coordinated Database in
32 good faith. Donnie reminded Commissioners that he has been providing regular updates to the
33 group. Donnie stated that the database has been building strong core of a secure, state of the art
34 infrastructure. Donnie and NREMT have been working with other health licensure compacts who

1 have the same type of database, the Nurse Licensure Compact. Business rules will need to be
2 considered and created.

3

4 **Chairman Schmider (Texas) gaveled the meeting to a close at 1:55p.m. CST**

5

6 **Prepared by Sue Prentiss on behalf of Andy Gienapp, Secretary, Interstate**
7 **Compact for EMS Personnel Practice.**

8