

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

3
4 **Rules for the Interstate Commission for Emergency Medical**
5 **Services (EMS) Personnel Practice**

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8 **Drafted:** March 15, 2019

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10 **Effective:** XXXX, XX, 2019

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12 **Amended:**

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14 **History of Rule:** Introduced for public hearing on March 15, 2019
15 Public hearing on May 17, 2019

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17 **SECTION 1. Purpose and Authority**

18 These rules are promulgated by the Interstate Commission for Emergency Medical Services
19 Personnel Practice (the Commission) pursuant to the Recognition of Emergency Medical
20 Services Personnel Licensure Interstate Compact (REPLICA). These rules shall become
21 effective upon adoption by the Commission. Nothing in the compact or these rules authorizes an
22 individual to practice in a non-member state.

23
24 **SECTION 2. Definitions**

25 For the purposes of the rules adopted by the Interstate Commission for Emergency Medical
26 Services Personnel Practice, the following definitions shall apply:

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28 **2.0 “Adverse Action”** means: any administrative, civil, equitable or criminal action permitted by
29 a state’s laws which may be imposed against licensed EMS personnel by a state EMS authority
30 or state court, including, but not limited to, actions against an individual’s license such as
31 revocation, suspension, probation, consent agreement, monitoring or other limitation or
32 encumbrance on the individual’s practice, letters of reprimand or admonition, fines, criminal
33 convictions and state court judgments enforcing adverse actions by the state EMS authority.

34
35 **2.1 “Commission”** means: the national administrative body of which all states that have enacted
36 the Compact are members.

37
38 **2.2 “Commissioner”** means: as the appointed delegate from each state as described in Section
39 10.B.1. of the Compact.

40
41 **2.3 “Compact”, hereinafter “the Compact”** means: the Recognition of Emergency Medical
42 Services Personnel Licensure Interstate Compact (REPLICA) as enacted by a Member State.

43
44 **2.4 “Compact Data Participation Agreement”** means: the agreement established between the
45 Commission and the Coordinated Database Administrator.

46
47 **2.5 “Conditions of Practice”** means: the circumstances under which an individual is authorized
48 to practice in a remote state under a privilege to practice.
49
50 **2.6 “Coordinated Database”** means: the information system established and maintained by the
51 Commission as set forth in the compact.
52
53 **2.7 “Coordinated Database Administrator”** means: the contractor, person or employee named
54 by the Commission to provide oversight and management of the coordinated database.
55
56 **2.8 “EMS Agency”** means: an organization that is authorized by a state EMS authority to
57 operate an ambulance service, or non-transport service.
58
59 **2.9 “License”** means: the authorization by a state for an individual to practice as an EMT,
60 AEMT, Paramedic, or a level in between EMT and Paramedic.
61
62 **2.10 “Member State”** means: a state that has enacted this Compact.
63
64 **2.11 “Notify the Commission”** means: communication whether written, verbal or through
65 submission of information through the coordinated database. For the purposes of these rules,
66 submission of information to the coordinated database shall be deemed to have satisfied any
67 requirements under the Compact to a home state or member state. Nothing in the Commission
68 rules shall be construed as prohibiting the sharing of information directly between member
69 states, assuming all other requirements for submission to the coordinated database are satisfied.
70
71 **2.12 “Non-Member State”** means: a state, territory or jurisdiction of the United States that has
72 not enacted the Compact.
73
74 **2.13 “Privilege to Practice”** means: an individual’s authority to deliver emergency medical
75 services in remote states as authorized under this compact.
76
77 **2.14 “Restricted Privilege to Practice status”** means: the individual has limitations on any
78 home state license or has a criminal history background check reported as “findings” per section
79 11.7(b)iii of these rules.
80
81 **2.15 “Revoked Privilege to Practice status”** means: the individual’s license in any home state
82 is revoked.
83
84 **2.16 “Rule”** means: a written statement by the Interstate Commission promulgated pursuant to
85 Section 12 of this Compact that is of general applicability; implements, interprets, or prescribes a
86 policy or provision of the Compact; or is an organizational, procedural, or practice requirement
87 of the Commission and has the force and effect of statutory law in a member state and includes
88 the amendment, repeal, or suspension of an existing rule.
89
90 **2.17 “State”** means: any state, commonwealth, district, or territory of the United States.
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92

93 **2.18 “State EMS Authority”** means: the board, office, or other agency with the legislative mandate
94 to license EMS personnel.

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96 **2.19 “Subject”** means: an individual who is under investigation by a state EMS authority for
97 alleged misconduct.

98
99 **2.20 “Suspended Privilege to Practice status”** means: the individual’s license to practice has
100 been temporarily removed by a home state.

101
102 **2.21 “Unrestricted Privilege to Practice status”** means: the individual has no limitations on
103 any home state license and has a criminal history background check reported as “qualified” per
104 section 11.7(b)i of these rules.

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106 **SECTION 3. Not Used**

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108 **SECTION 4. Privilege to Practice**

109 **4.0 Recognition of privilege to practice.** A remote state shall recognize the privilege to
110 practice of an individual who is licensed in another home state, provided that:

111
112 (a) the home state complies with section 3 of the Compact; and

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114 (b) the individual is performing EMS duties that are assigned by an EMS agency that is
115 authorized in the remote state (for purposes of this section, such duties shall include the
116 individual's travel to, from and between the location(s) in the remote state at which the
117 individual's assigned EMS duties are to be performed); and

118
119 (c) the results of the individual’s criminal history background check are documented by
120 all home states where the individual is licensed as qualified (per section 11.7(a) of these
121 rules); and

122
123 (d) the individual has an unrestricted license issued by the home state wherein the EMS
124 agency for which the individual is practicing in the remote state; and

125
126 (e) the individual’s privilege to practice has not been restricted or revoked by any
127 member state (except as provided in section 4.2 of these rules).

128
129 **4.1 Notification of privilege to practice status**

130
131 (a) Home states shall notify the Commission of the privilege to practice status for each
132 individual licensed by the home state to the Commission as described in section 11.4 of
133 these rules as unrestricted, restricted, suspended or revoked.

134
135 (b) When a home state restricts, suspends, or revokes an individual’s license, the home
136 state shall notify the Commission of the individual’s eligibility to request restoration of
137 the privilege to practice on the adverse action order as:

138 (i) Eligible for privilege to practice restoration. The home state EMS authority
139 where the action was taken authorizes the individual to request reinstatement of the
140 privilege to practice in remote states, or

141 (ii) Ineligible for privilege to practice restoration. The home state EMS authority
142 where the action was taken does not authorize the individual to request reinstatement of
143 the privilege to practice in remote states.
144

145 **4.2 Restoration of privilege to practice.** The restoration of the privilege to practice shall only
146 occur when:

147 (a) the home state license is restored or unrestricted; or

148 (b) the privilege to practice restoration is authorized as stated in section 4.1(b)(i) of these
149 rules and

150 (i) the remote state restores the privilege to practice or removes the restriction of
151 the privilege to practice; and

152 (ii) the individual whose license or privilege to practice in any member state is
153 restricted, suspended, or revoked has submitted a request to each remote state wherein the
154 individual wishes to have a privilege to practice.
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158 **4.3 Individuals licensed in non-reporting home states.** Individuals licensed in a home state
159 that does not collect and submit all elements of the uniform data set are not eligible to practice in
160 a remote state under the privilege to practice until the home state has submitted all elements of
161 the uniform data set in the manner prescribed by the Commission.
162

163 **4.4 Scope of practice.** An individual providing patient care in a remote state under the privilege
164 to practice shall function within the scope of practice authorized by his or her home state unless
165 or until modified by the appropriate authority in the remote state.
166

167 (a) Each member state EMS authority that chooses to modify the scope of practice of
168 individuals who are functioning in the state under a privilege to practice must publish the
169 specific modifications as described in these rules.

170 (b) If the statutes and rules in the remote state allows further modification of the scope of
171 practice, an EMS agency may further modify an individual's scope of practice.
172
173

174 (c) If the EMS authority of the member state in which patient care is provided specifies a
175 scope of practice that the EMS agency must follow, the individual will follow the scope
176 of practice for the EMS agency for which the individual is providing patient care.
177

178 **4.5 Notification.** A member state must notify the Commission of any scope of practice
179 modifications or limitations that the state EMS authority of the member state has enacted for
180 individuals (from another member state) providing patient care in the state under the privilege to
181 practice.
182

183 **4.6 Publication of scope of practice.** The Commission shall publish the scope of practice
184 limitations and modifications for all member states in the Commission’s standards manual that is
185 incorporated in these rules.

186
187 (a) Updates to the standards manual will be published each year on July 1.

188
189 (b) The standards manual will be made available on the Commission website.

190
191 **4.7 Individual responsibility.** An individual providing patient care in a remote state under the
192 privilege to practice is responsible for adhering to the scope of practice modifications or
193 limitations for that remote state as described in the most current version of the Commission’s
194 standards manual.

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196 **SECTION 5. Not Used**

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198 **SECTION 6. Not Used**

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200 **SECTION 7. Not Used**

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202 **SECTION 8. Adverse Actions**

203 **8.0 Investigation.**

204
205 (a) Member states may collaborate in investigating alleged individual misconduct.

206
207 (b) In those cases where the subject is licensed by one or more member states and
208 therefore has more than one home state, the responsibility for the investigation shall fall
209 to the home state that licenses, certifies, commissions, or otherwise authorizes the agency
210 or appropriate authority for which the subject was providing patient care when the
211 alleged misconduct occurred.

212
213 (c) Upon discovery that an individual is under investigation in another member state, the
214 member state may contact the investigating member state and request investigative
215 documents and information.

216
217 (d) This section shall not be construed as limiting any member state’s authority to
218 investigate any conduct within that state, or to investigate any licensee.

219
220 **8.1 Reporting of adverse actions.**

221
222 (a) A remote state that restricts, suspends or revokes an individual’s privilege to practice,
223 shall notify the Commission as soon as possible, but no later than two (2) business days
224 of the imposition of the adverse action.

225
226 (b) A home state that restricts or suspends an individual’s license shall notify the
227 Commission as soon as possible, but no later than two (2) business days of the imposition

228 of the adverse action and notify the individual in writing that the individual’s remote state
229 privilege to practice is revoked.
230

231 (c) Member states are not required to report any other information regarding adverse
232 actions and restrictions to the Commission other than what is available in the public
233 record of the reporting member state though nothing herein shall prohibit a member state
234 from sharing with another member state, or a non-member state, such additional
235 information as the member state concludes is appropriate.
236

237 **SECTION 9. Not Used**
238

239 **SECTION 10. Coordinated Database – General**

240 **10.0 Method of data submission.** Member states shall submit the uniform data set described in
241 section 11 of these rules to the coordinated database in accordance with the Compact Data
242 Participation Agreement.
243

244 **10.1 Data ownership.** All data submitted by a member state to the coordinated database remains
245 the property of the member state.
246

247 (a) Any use of the data other than that expressly allowed by the Commission is
248 prohibited.
249

250 (b) A member state may designate member state information that may not be shared with
251 the public without the express permission of the contributing state.
252

253 **10.2 Access to the coordinated database.** Member states shall have access to the uniform data
254 set submitted by other member states.
255

256 **10.3 Implementation.** A member state shall have thirty (30) days to initially provide the
257 member state’s uniform data set to the coordinated database. In the event a member state does
258 not collect one or more elements of the uniform data set, the member state shall initially submit
259 all elements currently collected within thirty (30) days and shall collect and submit any missing
260 elements within eighteen (18) months.
261

262 **10.4 Maintenance of uniform data set.** The accuracy of information maintained in the
263 coordinated database, to the extent it is possible, shall be the responsibility of member states.
264

265 **10.5 Correction of records.** In the event an individual asserts that the individual’s uniform data
266 set information is inaccurate, the individual shall provide evidence in a manner determined by
267 the individual’s home state that substantiates such claim. A home state shall verify and submit to
268 the Commission an amendment to correct the uniform data set of an individual.
269

270 **SECTION 11. Coordinated Database - Uniform Data Set.** Member states must submit the
271 following uniform data set to the coordinated database at the frequency indicated.
272

273 **11.0 Identifying information.** The following information for each individual who is licensed
274 must be reported within ten (10) business days of completion of licensure application process.
275 Any changes must be reported within ten (10) business days of the change being processed by
276 the member state.

277

278 (a) Full legal name (first, middle, last); and

279

280 (b) suffix (if applicable); and

281

282 (c) date of birth (month, day, year); and

283

284 (d) social security number.

285

286 **11.1 Licensure data.** The following information for each individual who is licensed in the
287 member state must be reported within ten (10) business days of completion of licensure process.
288 Any changes must be reported within ten (10) business days of the change being processed by
289 the member state.

290

291 (a) State of licensure; and

292

293 (b) license level; and

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295 (c) effective date of license; and

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297 (d) expiration date of license; and

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299 (e) license number; and

300

301 (f) license status (if applicable, i.e. inactive, temporary, etc.)

302

303 **11.2 Significant investigative information.** The following information must be reported as soon
304 as possible, but no later than two (2) business days of the member state completing the
305 preliminary inquiry:

306

307 (a) subject's identifying information as stated in section 11.0 of these rules; and

308

309 (b) summary description of the incident or act of misconduct; and

310

311 (c) declaration of the existence of an investigation or pending criminal or administrative
312 charges related to the incident or act of misconduct.

313

314 **11.3 Adverse actions imposed on an individual's license.** The following information must be
315 reported as soon as possible, but no later than two (2) business days of imposition of the adverse
316 action. Any changes to the status of the adverse action must be reported as soon as possible, but
317 no later than two (2) business days of the change being processed by the member state:

318

319 (a) subject's identifying information as stated in section 11.0 of these rules; and

- 320
321 (b) summary description of the incident or act of misconduct; and
322
323 (c) declaration of the existence of a criminal investigation or pending criminal charges
324 related to the incident or act of misconduct; and
325
326 (d) declaration of the action taken by the member state; and
327
328 (e) effective date of the action taken; and
329
330 (f) duration of the action.
331

332 **11.4 Privilege to practice status.** The information as described in section 4.1 of these rules for
333 each individual licensed by the member state must be reported within one (1) month of the
334 effective date of the privilege to practice status. Any changes to the privilege to practice status
335 must be reported as soon as possible, but no later than two (2) business days of the change being
336 processed by the member state.
337

338 **11.5 Non-confidential alternative program participation information.** To the extent allowed
339 by a member state's laws, non-confidential information concerning an individual's participation
340 in an alternative program will be reported.
341

342 **11.6 Any denial of applications for licensure.** The following information must be reported
343 within one month of the denial:
344

- 345 (a) applicant's identifying information as stated in section 11.0 of these rules; and
346
347 (b) summary of the reason for denial; and
348
349 (c) declaration of the existence of a criminal investigation or pending criminal charges
350 related to the denial; and
351
352 (d) declaration of the duration of the denial.
353

354 **11.7 Criminal history background check results.** Member states will indicate the status based
355 on the background check as indicated in section 11.7(b)(i) through (iii) of these rules.
356

357 (a) No information received from the Federal Bureau of Investigation (FBI) relating to a
358 federal criminal records check performed by a member state under Public Law 92-544
359 will be shared or reported.
360

361 (b) The following information for all individuals licensed by the member state must be
362 reported within ten (10) business days of completion of the background check:
363

364 (i) Qualified. The individual has no records of any criminal convictions in the
365 criminal history background check; or
366

367 (ii) Disqualified. The individual has record(s) of criminal conviction(s) in the
368 criminal history background check that are disqualifying for licensure in that state; or
369

370 (iii) Findings. The individual has record(s) of criminal conviction(s) in the
371 criminal history background check that are not disqualifying for licensure in that state.
372

373 **11.8 Other acts of misconduct or criminal convictions.** Individual acts of misconduct or
374 criminal convictions that a member state becomes aware of, from sources other than the FBI
375 background check that may result in action against an individual's license or privilege to practice
376 in any member state must be reported as soon as possible, but no later than two (2) business days
377 of discovery by the state making the discovery.
378

379 **SECTION 12. Rulemaking**

380 **12.0 Proposed rules or amendments.** Proposed rules or amendments to the rules shall be
381 adopted by majority vote of the members of the Commission. Proposed new rules and
382 amendments to existing rules shall be submitted to the Commission office for referral to the rules
383 committee as follows:
384

385 (a) Any Commissioner may submit a proposed rule or rule amendment for referral to the
386 rules committee during the next scheduled Commission meeting. This proposal shall be
387 made in the form of a motion and approved by a majority vote of a quorum of the
388 Commission members present at the meeting.
389

390 (b) Standing committees of the Commission may propose rules or rule amendments by
391 majority vote of that Committee.
392

393 **12.1 Preparation of draft rules.** The rules committee shall prepare a draft of all proposed rules
394 and provide the draft to all Commissioners for review and comments. Based on the comments
395 made by the Commissioners the Rules Committee shall prepare a final draft of the proposed
396 rule(s) or amendments for consideration by the Commission not later than the next Commission
397 meeting.
398

399 **12.2 Publication of draft rules.** Prior to promulgation and adoption of a final rule (in
400 accordance with Section 12 of the Compact) the Commission shall publish the text of the
401 proposed rule or amendment prepared by the rules committee not later than sixty (60) days prior
402 to the meeting at which the vote is scheduled, on the official web site of the Commission and in
403 any other official publication that may be designated by the Commission for the publication of
404 its rules. All written comments received by the rules committee on proposed rules shall be posted
405 on the Commission's website upon receipt. In addition to the text of the proposed rule or
406 amendment, the reason for the proposed rule shall be provided.
407

408 **12.3 Notification.** Each administrative rule or amendment shall state:
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410 (a) The place, time, and date of the scheduled public hearing;
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412 (b) The manner in which interested persons may submit notice to the Commission of their
413 intention to attend the public hearing and any written comments; and

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(c) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

12.4 Public Hearings. Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. In accordance with Section 12.H. of the Compact, specifically:

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

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

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

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

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

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

(g) The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

12.5 Status of rules upon adoption of additional member states. Any state that joins the Compact subsequent to the Commission’s initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

12.6 Emergency Rulemaking. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later

461 than ninety (90) days after the effective date of the rule. An emergency rule is one that must be
462 made effective immediately in order to:

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

465

466 (b) Prevent a loss of federal or state funds;

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

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471 (d) Protect public health and safety.

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473 **SECTION 13. Not Used**

474

475 **SECTION 14. Not Used**

476

477 **SECTION 15. Not Used**

DRAFT