

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

Rules for the Interstate Commission for Emergency Medical Services (EMS) Personnel Practice

Drafted:	April 6, 2020 (most recent updates)
Effective:	June 16, 2020
Amended:	June 16, 2020
History of Rule:	Introduced for public hearing on April 6, 2020 Public hearing on June 16, 2020

SECTION 1. Purpose and Authority

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

SECTION 2. Definitions

For the purposes of the rules adopted by the Interstate Commission for Emergency Medical Services Personnel Practice, the following definitions shall apply. Terms not specifically defined in these rules shall have the definitions as set forth in the compact.

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

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

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

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

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

2.5 “Conditions of Practice” means: the circumstances under which an individual is authorized to practice in a remote state under a privilege to practice.

2.6 “Coordinated Database” means: the information system established and maintained by the Commission as set forth in the compact.

2.7 “Coordinated Database Administrator” means: the contractor, person or employee named by the Commission to provide oversight and management of the coordinated database.

2.8 “EMS Agency” means: an organization that is authorized by a state EMS authority to operate an ambulance service, or non-transport service.

2.9 “License” means: the authorization by a state for an individual to practice as an EMT, AEMT, Paramedic, or a level in between EMT and Paramedic.

2.10 “Member State” means: a state that has enacted the Compact.

2.11 “Notify the Commission” means: communication whether written, verbal or through submission of information through the coordinated database. For the purposes of these rules, submission of information to the coordinated database shall be deemed to have satisfied any requirements under the Compact to a home state or member state. Nothing in the Commission rules shall be construed as prohibiting the sharing of information directly between member states, assuming all other requirements for submission to the coordinated database are satisfied.

2.12 “Non-Member State” means: a state, territory or jurisdiction of the United States that has not enacted the Compact.

2.13 “Privilege to Practice” means: an individual’s authority to deliver emergency medical services in remote states as authorized under this compact.

2.14 “Rule” means: a written statement by the Commission promulgated pursuant to Section 12 of the Compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the Compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

2.15 “State” means: any state, commonwealth, district, or territory of the United States.

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

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

SECTION 3. Not Used

SECTION 4. Privilege to Practice

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

- (a) the home state complies with section 3 of the Compact; and
- (b) the individual is performing EMS duties that are assigned by an EMS agency that is authorized in the remote state (for purposes of this section, such duties shall include the individual's travel to, from and between the location(s) in the remote state at which the individual's assigned EMS duties are to be performed); and
- (c) the results of the individual's criminal history background check are documented by all home states where the individual is licensed as qualified (per section 11.7(a) of these rules); and
- (d) the individual has an unrestricted license issued by the home state wherein the EMS agency for which the individual is practicing in the remote state; and
- (e) the individual's privilege to practice has not been restricted or revoked by any member state (except as provided in section 4.2 of these rules).

4.1 Notification of privilege to practice status

- (a) Home states shall notify the Commission of the privilege to practice status for each individual licensed by the home state to the Commission as described in section 11.4 of these rules as unrestricted, restricted, suspended or revoked.
- (b) When a home state restricts, suspends, or revokes an individual's license, the home state shall notify the Commission of the individual's eligibility to request restoration of the privilege to practice on the adverse action order as:
 - (i) Eligible for privilege to practice restoration. The home state EMS authority where the action was taken authorizes the individual to request reinstatement of the privilege to practice in remote states, or
 - (ii) Ineligible for privilege to practice restoration. The home state EMS authority where the action was taken does not authorize the individual to request reinstatement of the privilege to practice in remote states.

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

- (a) the home state license is restored or unrestricted; or
- (b) the privilege to practice restoration is authorized as stated in section 4.1(b)(i) of these rules and
 - (i) the remote state restores the privilege to practice or removes the restriction of the privilege to practice; and

(ii) the individual whose license or privilege to practice in any member state is restricted, suspended, or revoked has submitted a request to each remote state wherein the individual wishes to have a privilege to practice.

4.3 Individuals licensed in non-reporting home states. Individuals licensed in a home state that does not collect and submit all elements of the uniform data set are not eligible to practice in a remote state under the privilege to practice until the home state has submitted all elements of the uniform data set in the manner prescribed by the Commission.

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

(a) Each member state EMS authority that chooses to modify the scope of practice of individuals who are functioning in the state under a privilege to practice must report the specific modifications to the Commission for publication as described in these rules.

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

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

4.5 Notification. A member state shall notify the Commission of any scope of practice modifications or limitations for individuals (from another member state) providing patient care in the state under the privilege to practice.

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

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

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

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

SECTION 5. Not Used

SECTION 6. Not Used

SECTION 7. Not Used

SECTION 8. Adverse Actions

8.0 Investigation.

- (a) Member states may collaborate in investigating alleged individual misconduct.
- (b) In those cases where the subject is licensed by one or more member states and therefore has more than one home state, the responsibility for the investigation shall fall to the home state that licenses, certifies, commissions, or otherwise authorizes the agency or appropriate authority for which the subject was providing patient care when the alleged misconduct occurred.
- (c) Upon discovery that an individual is under investigation in another member state, the member state may contact the investigating member state and request investigative documents and information.
- (d) This section shall not be construed as limiting any member state's authority to investigate any conduct within that state, or to investigate any licensee.

8.1 Reporting of adverse actions.

- (a) A remote state that imposes adverse action against an individual's privilege to practice, shall notify the Commission as soon as possible, but no later than two (2) business days after the imposition of the adverse action.
- (b) A home state that imposes adverse action against an individual's license shall notify the Commission as soon as possible, but no later than two (2) business days after the imposition of the adverse action and notify the individual in writing that the individual's remote state privilege to practice is revoked.
- (c) Member states are not required to report any other information regarding adverse actions to the Commission other than what is available in the public record of the reporting member state though nothing herein shall prohibit a member state from sharing with another member state, or a non-member state, such additional information as the member state concludes is appropriate.

SECTION 9. Not Used

SECTION 10. Coordinated Database – General

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

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

(a) Any use of the data in the coordinated database other than that expressly allowed by the Commission is prohibited.

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

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

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

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

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

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

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

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

(b) suffix (if applicable); and

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

(d) social security number.

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

(a) State of licensure; and

(b) license level; and

- (c) effective date of license; and
- (d) expiration date of license; and
- (e) license number; and
- (f) license status (if applicable, i.e. inactive, temporary, etc.)

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

- (a) subject's identifying information as stated in section 11.0 of these rules; and
- (b) declaration of the existence of an investigation or pending adverse action related to the incident or act of misconduct.

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

- (a) subject's identifying information as stated in section 11.0 of these rules; and
- (b) summary description of the incident or act of misconduct; and
- (c) declaration of the existence of a criminal investigation or pending criminal charges related to the incident or act of misconduct; and
- (d) declaration of the action taken by the member state; and
- (e) effective date of the action taken; and
- (f) duration of the action.

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

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

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

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

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

- (a) No information received from the Federal Bureau of Investigation (FBI) relating to a federal criminal records check performed by a member state under Public Law 92-544 will be shared or reported.
- (b) The following information for all individuals licensed by the member state must be reported within ten (10) business days of completion of the background check:
 - (i) Qualified. The individual has no records of any criminal convictions in the criminal history background check; or
 - (ii) Disqualified. The individual has record(s) of criminal conviction(s) in the criminal history background check that are disqualifying for licensure in that state; or
 - (iii) Findings. The individual has record(s) of criminal conviction(s) in the criminal history background check that are not disqualifying for licensure in that state.

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

11.9 Compliance with 28 C.F.R. §20.3. Nothing in these Rules shall require or permit the sharing or reporting of Criminal History Record Information as that term is defined in 28 C.F.R. §20.3 in a manner that is prohibited by law.

SECTION 12. Rulemaking

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

- (a) Any Commissioner may submit a proposed rule or rule amendment for referral to the rules committee during the next scheduled Commission meeting. This proposal shall be

made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting.

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

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

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

12.3 Notification. Each administrative rule or amendment shall state:

(a) The place, time, and date of the scheduled public hearing, if any;

(b) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and

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

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

SECTION 13. Not Used

SECTION 14. Not Used

SECTION 15. Not Used