

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

3 **ARTICLE I**

4 **PURPOSE**

5 Whereas, states license emergency medical services (EMS) personnel, such as emergency
6 medical technicians (EMTs), advanced EMTs and paramedics in order to protect the public
7 through verification of competency and ensure accountability for patient care related activities;
8 and

9 Whereas, this Compact is intended to facilitate the day to day movement of EMS personnel
10 across state boundaries in the performance of their EMS duties as assigned by an appropriate
11 authority; and

12 Whereas, this Compact is intended to authorize state EMS offices to afford legal recognition, in a
13 manner consistent with the terms of the Compact, to EMS personnel licensed in a member state;
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15 Whereas, this Compact recognizes that states have a vested interest in protecting the public's
16 health and safety through their licensing and regulation of EMS personnel and that such state
17 regulation will best protect public health and safety;

18 Consistent with these principles, this Compact is designed to achieve the following purposes and
19 objectives:

- 20 1. Increase public access to EMS personnel;

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

ARTICLE II**DEFINITIONS**

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- 35 A. “Advanced Emergency Medical Technician (AEMT)” means: an individual licensed
36 with cognitive knowledge and a scope of practice that corresponds to that level in the
37 National EMS Education Standards and National EMS Scope of Practice Model.
- 38 B. “Adverse Action” means: an action taken against a practitioner’s privilege to practice
39 or a licensure disciplinary action.
- 40 C. “Alternative program” means: a voluntary, non-disciplinary substance abuse recovery
41 program approved by a state EMS authority.
- 42 D. “Certification” means: the successful verification of entry-level cognitive and
43 psychomotor competency using a reliable, validated, and legally defensible
44 examination.
- 45 E. “Commission” means: the national administrative body of which all states that have
46 enacted the compact are members.
- 47 F. “Emergency Medical Technician (EMT)” means: an individual licensed with cognitive
48 knowledge and a scope of practice that corresponds to that level in the National EMS
49 Education Standards and National EMS Scope of Practice Model.
- 50 G. “Home State” means: a member state where an individual is licensed to practice
51 emergency medical services.
- 52 H. “License” means: the document issued by a state that authorizes an individual to
53 practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.
- 54 I. “Medical Director” means: a physician licensed in a member state who is accountable
55 for the care delivered by EMS personnel.

- 56 J. “Member State” means: a state that has enacted this compact.
- 57 K. “Privilege to Practice” means: an individual’s authority to deliver emergency medical
58 services in remote states as authorized under this compact.
- 59 L. “Paramedic” means: an individual licensed with cognitive knowledge and a scope of
60 practice that corresponds to that level in the National EMS Education Standards and
61 National EMS Scope of Practice Model.
- 62 M. “Remote State” means: a member state in which an individual is not licensed.
- 63 N. “Restricted” means: the outcome of an adverse action that limits a license or the
64 privilege to practice.
- 65 O. “Rule” means: a written statement by the interstate Commission promulgated pursuant
66 to Article XII of this compact that is of general applicability; implements, interprets, or
67 prescribes a policy or provision of the compact; or is an organizational, procedural, or
68 practice requirement of the Commission and has the force and effect of statutory law
69 in a member state and includes the amendment, repeal, or suspension of an existing
70 rule.
- 71 P. “Scope of Practice” means: defined parameters of various duties or services that may
72 be provided by an individual with specific credentials. Whether regulated by rule,
73 statute, or court decision, it tends to represent the limits of services an individual may
74 perform.
- 75 Q. “Significant Investigatory Information” means:
- 76 a. investigative information that a state EMS authority, after a preliminary inquiry
77 that includes notification and an opportunity to respond if required by state law,

78 has reason to believe, if proved true, would indicate more than a minor infraction;

79 or

80 b. investigative information that indicates that the individual represents an
81 immediate threat to public health and safety regardless of whether the individual
82 has been notified and had an opportunity to respond.

83 R. "State" means: a state of the United States, the District of Columbia, the Commonwealth
84 of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Mariana
85 Pacific Islands, and any other U.S. territory.

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

ARTICLE III**HOME STATE LICENSURE**

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- A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.
- B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.
- C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:
 - 1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;
 - 2. Has a mechanism in place for receiving and investigating complaints about individuals;
 - 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;
 - 4. No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with US CFR §731.202; and
 - 5. Complies with the rules of the Commission.

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ARTICLE IV

COMPACT PRIVILEGE TO PRACTICE

- A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Article III.
- B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:
1. Be at least 18 years of age;
 2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and
 3. Practice under the supervision of a medical director.
- C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the commission.
- D. Except as provided in Article IV Section C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

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

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

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ARTICLE V

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CONDITIONS OF PRACTICE IN A REMOTE STATE

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A. An individual may practice in a remote state under a privilege to practice only in the

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performance of the individual's EMS duties as assigned by an appropriate authority, as

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defined in the rules of the Commission, and under the following circumstances:

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

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

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

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

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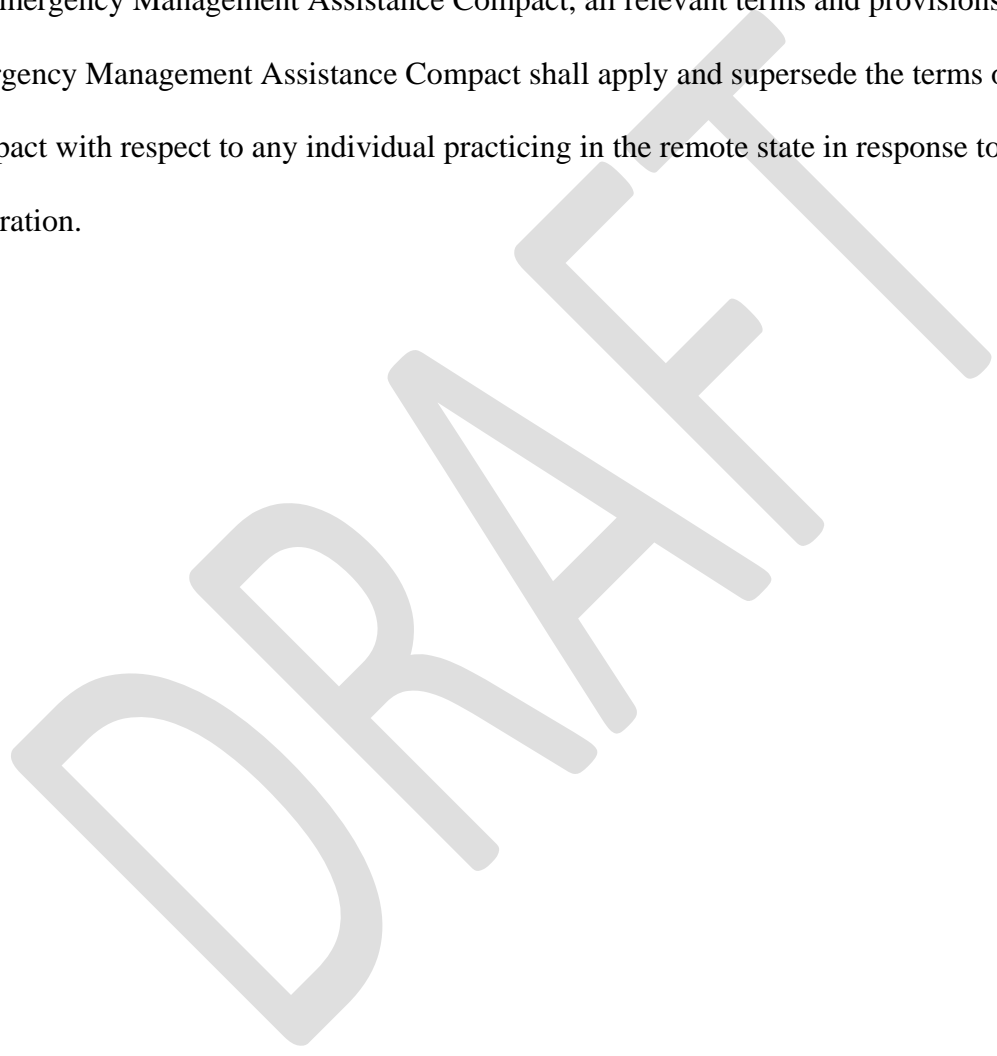
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5. Other conditions as determined by rules promulgated by the commission.

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ARTICLE VI
RELATIONSHIP TO EMERGENCY MANAGEMENT
ASSISTANCE COMPACT

Upon a member state’s governor’s declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact, all relevant terms and provisions of the Emergency Management Assistance Compact shall apply and supersede the terms of this Compact with respect to any individual practicing in the remote state in response to such declaration.



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ARTICLE VII

**VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY,
AND THEIR SPOUSES**

- A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.
- B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.
- C. All individuals functioning with a privilege to practice under this article remain subject to the Adverse Actions provisions of Article VIII.

ARTICLE VIII**ADVERSE ACTIONS**

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- 174 A. A home state shall have exclusive power to impose adverse action against an individual's
- 175 license issued by the home state.
- 176 B. If an individual's license in any home state is restricted or suspended, the individual shall not
- 177 be eligible to practice in a remote state under the privilege to practice until the individual's
- 178 home state license is restored.
- 179 1. All home state adverse action orders shall include a statement that the individual's
- 180 compact privileges are inactive. The order may allow the individual to practice in remote
- 181 states with prior written authorization from both the home state and remote state's EMS
- 182 authority.
- 183 2. An individual currently subject to adverse action in the home state shall not practice in
- 184 any remote state without prior written authorization from both the home state and remote
- 185 state's EMS authority.
- 186 C. A member state shall report adverse actions and any occurrences that the individual's
- 187 compact privileges are restricted, suspended, or revoked to the Commission in accordance
- 188 with the rules of the Commission.
- 189 D. A remote state may take adverse action on an individual's privilege to practice within that
- 190 state.
- 191 E. Any member state may take adverse action against an individual's privilege to practice in
- 192 that state based on the factual findings of another member state, so long as each state follows
- 193 its own procedures for imposing such adverse action.

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

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

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ARTICLE IX

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ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

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A. A member state's EMS authority, in addition to any other powers granted under state law,

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is authorized under this compact to:

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1. Issue subpoenas for both hearings and investigations that require the attendance and

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testimony of witnesses and the production of evidence. Subpoenas issued by a

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member state's EMS authority for the attendance and testimony of witnesses, and/or

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the production of evidence from another member state, shall be enforced in the

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remote state by any court of competent jurisdiction, according to that court's practice

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and procedure in considering subpoenas issued in its own proceedings. The issuing

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state EMS authority shall pay any witness fees, travel expenses, mileage, and other

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fees required by the service statutes of the state where the witnesses and/or evidence

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are located; and

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2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege

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to practice in the state.

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ARTICLE X

ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL

PRACTICE

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

1. The Commission is a body politic and an instrumentality of the Compact states.
2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.
3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists.
2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such

- 241 other means as provided in the bylaws. The bylaws may provide for delegates’
242 participation in meetings by telephone or other means of communication.
- 243 3. The Commission shall meet at least once during each calendar year. Additional
244 meetings shall be held as set forth in the bylaws.
- 245 4. All meetings shall be open to the public, and public notice of meetings shall be given
246 in the same manner as required under the rulemaking provisions in Article XII.
- 247 5. The Commission may convene in a closed, non-public meeting if the Commission
248 must discuss:
- 249 a. Non-compliance of a member state with its obligations under the Compact;
 - 250 b. The employment, compensation, discipline or other personnel matters, practices or
251 procedures related to specific employees or other matters related to the
252 Commission’s internal personnel practices and procedures;
 - 253 c. Current, threatened, or reasonably anticipated litigation;
 - 254 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
 - 255 e. Accusing any person of a crime or formally censuring any person;
 - 256 f. Disclosure of trade secrets or commercial or financial information that is privileged
257 or confidential;
 - 258 g. Disclosure of information of a personal nature where disclosure would constitute a
259 clearly unwarranted invasion of personal privacy;
 - 260 h. Disclosure of investigatory records compiled for law enforcement purposes;
 - 261 i. Disclosure of information related to any investigatory reports prepared by or on
262 behalf of or for use of the Commission or other committee charged with
263 responsibility of investigation or determination of compliance issues pursuant to the
264 compact; or

265 j. Matters specifically exempted from disclosure by federal or member state statute.

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

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

278 1. Establishing the fiscal year of the Commission;

279 2. Providing reasonable standards and procedures:

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

281 b. governing any general or specific delegation of any authority or function of the
282 Commission;

283 3. Providing reasonable procedures for calling and conducting meetings of the
284 Commission, ensuring reasonable advance notice of all meetings, and providing an
285 opportunity for attendance of such meetings by interested parties, with enumerated
286 exceptions designed to protect the public's interest, the privacy of individuals, and
287 proprietary information, including trade secrets. The Commission may meet in closed
288 session only after a majority of the membership votes to close a meeting in whole or

- 289 in part. As soon as practicable, the Commission must make public a copy of the vote
290 to close the meeting revealing the vote of each member with no proxy votes allowed;
- 291 4. Establishing the titles, duties and authority, and reasonable procedures for the election
292 of the officers of the Commission;
- 293 5. Providing reasonable standards and procedures for the establishment of the personnel
294 policies and programs of the Commission. Notwithstanding any civil service or other
295 similar laws of any member state, the bylaws shall exclusively govern the personnel
296 policies and programs of the Commission;
- 297 6. Promulgating a code of ethics to address permissible and prohibited activities of
298 Commission members and employees;
- 299 7. Providing a mechanism for winding up the operations of the Commission and the
300 equitable disposition of any surplus funds that may exist after the termination of the
301 Compact after the payment and/or reserving of all of its debts and obligations;
- 302 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any
303 amendment thereto, with the appropriate agency or officer in each of the member
304 states, if any.
- 305 9. The Commission shall maintain its financial records in accordance with the bylaws.
- 306 10. The Commission shall meet and take such actions as are consistent with the
307 provisions of this Compact and the bylaws.
- 308 D. The Commission shall have the following powers:
- 309 1. The authority to promulgate uniform rules to facilitate and coordinate implementation
310 and administration of this Compact. The rules shall have the force and effect of law
311 and shall be binding in all member states;

- 312 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
313 provided that the standing of any state EMS authority or other regulatory body
314 responsible for EMS personnel licensure to sue or be sued under applicable law shall
315 not be affected;
- 316 3. To purchase and maintain insurance and bonds;
- 317 4. To borrow, accept, or contract for services of personnel, including, but not limited to,
318 employees of a member state;
- 319 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
320 such individuals appropriate authority to carry out the purposes of the compact, and to
321 establish the Commission's personnel policies and programs relating to conflicts of
322 interest, qualifications of personnel, and other related personnel matters;
- 323 6. To accept any and all appropriate donations and grants of money, equipment,
324 supplies, materials and services, and to receive, utilize and dispose of the same;
325 provided that at all times the Commission shall strive to avoid any appearance of
326 impropriety and/or conflict of interest;
- 327 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
328 hold, improve or use, any property, real, personal or mixed; provided that at all times
329 the Commission shall strive to avoid any appearance of impropriety;
- 330 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
331 any property real, personal, or mixed;
- 332 9. To establish a budget and make expenditures;
- 333 10. To borrow money;

- 334 11. To appoint committees, including advisory committees comprised of members, state
335 regulators, state legislators or their representatives, and consumer representatives, and
336 such other interested persons as may be designated in this compact and the bylaws;
- 337 12. To provide and receive information from, and to cooperate with, law enforcement
338 agencies;
- 339 13. To adopt and use an official seal; and
- 340 14. To perform such other functions as may be necessary or appropriate to achieve the
341 purposes of this Compact consistent with the state regulation of EMS personnel
342 licensure and practice.

343 E. Financing of the Commission

- 344 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
345 its establishment, organization, and ongoing activities.
- 346 2. The Commission may accept any and all appropriate revenue sources, donations, and
347 grants of money, equipment, supplies, materials, and services.
- 348 3. The Commission may levy on and collect an annual assessment from each member
349 state or impose fees on other parties to cover the cost of the operations and activities
350 of the Commission and its staff, which must be in a total amount sufficient to cover
351 its annual budget as approved each year for which revenue is not provided by other
352 sources. The aggregate annual assessment amount shall be allocated based upon a
353 formula to be determined by the Commission, which shall promulgate a rule binding
354 upon all member states.

- 355 4. The Commission shall not incur obligations of any kind prior to securing the funds
356 adequate to meet the same; nor shall the Commission pledge the credit of any of the
357 member states, except by and with the authority of the member state.
- 358 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
359 receipts and disbursements of the Commission shall be subject to the audit and
360 accounting procedures established under its bylaws. However, all receipts and
361 disbursements of funds handled by the Commission shall be audited yearly by a
362 certified or licensed public accountant, and the report of the audit shall be included in
363 and become part of the annual report of the Commission.

364 F. Qualified Immunity, Defense, and Indemnification

- 365 1. The members, officers, executive director, employees and representatives of the
366 Commission shall be immune from suit and liability, either personally or in their
367 official capacity, for any claim for damage to or loss of property or personal injury or
368 other civil liability caused by or arising out of any actual or alleged act, error or
369 omission that occurred, or that the person against whom the claim is made had a
370 reasonable basis for believing occurred within the scope of Commission employment,
371 duties or responsibilities; provided that nothing in this paragraph shall be construed to
372 protect any such person from suit and/or liability for any damage, loss, injury, or
373 liability caused by the intentional or willful or wanton misconduct of that person.
- 374 2. The Commission shall defend any member, officer, executive director, employee or
375 representative of the Commission in any civil action seeking to impose liability
376 arising out of any actual or alleged act, error, or omission that occurred within the
377 scope of Commission employment, duties, or responsibilities, or that the person

378 against whom the claim is made had a reasonable basis for believing occurred within
379 the scope of Commission employment, duties, or responsibilities; provided that
380 nothing herein shall be construed to prohibit that person from retaining his or her own
381 counsel; and provided further, that the actual or alleged act, error, or omission did not
382 result from that person's intentional or willful or wanton misconduct.

383 3. The Commission shall indemnify and hold harmless any member, officer, executive
384 director, employee, or representative of the Commission for the amount of any
385 settlement or judgment obtained against that person arising out of any actual or
386 alleged act, error or omission that occurred within the scope of Commission
387 employment, duties, or responsibilities, or that such person had a reasonable basis for
388 believing occurred within the scope of Commission employment, duties, or
389 responsibilities, provided that the actual or alleged act, error, or omission did not
390 result from the intentional or willful or wanton misconduct of that person.

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ARTICLE XI

COORDINATED DATABASE

- A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.
- B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the Commission, including:
1. Identifying information;
 2. Licensure data;
 3. Significant investigatory information;
 4. Adverse actions against an individual's license;
 5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;
 6. Non-confidential information related to alternative program participation;
 7. Any denial of application for licensure, and the reason(s) for such denial; and
 8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.
- C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.
- D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

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

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ARTICLE XII
RULEMAKING

- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
1. On the website of the Commission; and
 2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.
- E. The Notice of Proposed Rulemaking shall include:
1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
 2. The text of the proposed rule or amendment and the reason for the proposed rule;
 3. A request for comments on the proposed rule from any interested person; and
 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

- 440 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
441 written data, facts, opinions, and arguments, which shall be made available to the public.
- 442 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or
443 amendment if a hearing is requested by:
- 444 1. At least twenty-five (25) persons;
 - 445 2. A governmental subdivision or agency; or
 - 446 3. An association having at least twenty-five (25) members.
- 447 H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the
448 place, time, and date of the scheduled public hearing.
- 449 1. All persons wishing to be heard at the hearing shall notify the executive director of
450 the Commission or other designated member in writing of their desire to appear and
451 testify at the hearing not less than five (5) business days before the scheduled date of
452 the hearing.
 - 453 2. Hearings shall be conducted in a manner providing each person who wishes to
454 comment a fair and reasonable opportunity to comment orally or in writing.
 - 455 3. No transcript of the hearing is required, unless a written request for a transcript is
456 made, in which case the person requesting the transcript shall bear the cost of
457 producing the transcript. A recording may be made in lieu of a transcript under the
458 same terms and conditions as a transcript. This subsection shall not preclude the
459 Commission from making a transcript or recording of the hearing if it so chooses.
 - 460 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.
461 Rules may be grouped for the convenience of the Commission at hearings required by
462 this section.

- 463 I. Following the scheduled hearing date, or by the close of business on the scheduled
464 hearing date if the hearing was not held, the Commission shall consider all written and
465 oral comments received.
- 466 J. The Commission shall, by majority vote of all members, take final action on the proposed
467 rule and shall determine the effective date of the rule, if any, based on the rulemaking
468 record and the full text of the rule.
- 469 K. If no written notice of intent to attend the public hearing by interested parties is received,
470 the Commission may proceed with promulgation of the proposed rule without a public
471 hearing.
- 472 L. Upon determination that an emergency exists, the Commission may consider and adopt
473 an emergency rule without prior notice, opportunity for comment, or hearing, provided
474 that the usual rulemaking procedures provided in the Compact and in this section shall be
475 retroactively applied to the rule as soon as reasonably possible, in no event later than
476 ninety (90) days after the effective date of the rule. For the purposes of this provision, an
477 emergency rule is one that must be adopted immediately in order to:
- 478 1. Meet an imminent threat to public health, safety, or welfare;
 - 479 2. Prevent a loss of Commission or member state funds;
 - 480 3. Meet a deadline for the promulgation of an administrative rule that is established by
481 federal law or rule; or
 - 482 4. Protect public health and safety.
- 483 M. The Commission or an authorized committee of the Commission may direct revisions to
484 a previously adopted rule or amendment for purposes of correcting typographical errors,
485 errors in format, errors in consistency, or grammatical errors. Public notice of any

486 revisions shall be posted on the website of the Commission. The revision shall be subject
487 to challenge by any person for a period of thirty (30) days after posting. The revision
488 may be challenged only on grounds that the revision results in a material change to a rule.
489 A challenge shall be made in writing, and delivered to the chair of the Commission prior
490 to the end of the notice period. If no challenge is made, the revision will take effect
491 without further action. If the revision is challenged, the revision may not take effect
492 without the approval of the Commission.

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ARTICLE XIII**OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.
2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the Commission.
3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, Technical Assistance, and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the Commission shall:
 - a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
 - b. Provide remedial training and specific technical assistance regarding the default.

- 515 2. If a state in default fails to cure the default, the defaulting state may be terminated
516 from the Compact upon an affirmative vote of a majority of the member states, and
517 all rights, privileges and benefits conferred by this compact may be terminated on the
518 effective date of termination. A cure of the default does not relieve the offending state
519 of obligations or liabilities incurred during the period of default.
- 520 3. Termination of membership in the compact shall be imposed only after all other
521 means of securing compliance have been exhausted. Notice of intent to suspend or
522 terminate shall be given by the Commission to the governor, the majority and
523 minority leaders of the defaulting state's legislature, and each of the member states.
- 524 4. A state that has been terminated is responsible for all assessments, obligations, and
525 liabilities incurred through the effective date of termination, including obligations that
526 extend beyond the effective date of termination.
- 527 5. The Commission shall not bear any costs related to a state that is found to be in
528 default or that has been terminated from the compact, unless agreed upon in writing
529 between the Commission and the defaulting state.
- 530 6. The defaulting state may appeal the action of the Commission by petitioning the U.S.
531 District Court for the District of Columbia or the federal district where the
532 Commission has its principal offices. The prevailing member shall be awarded all
533 costs of such litigation, including reasonable attorney's fees.

534 C. Dispute Resolution

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

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

540 D. Enforcement

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

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

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

ARTICLE XIV**DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
AMENDMENT**

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. 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.

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

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

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

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

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

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ARTICLE XV

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CONSTRUCTION AND SEVERABILITY

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This Compact shall be liberally construed so as to effectuate the purposes thereof. If this

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compact shall be held contrary to the constitution of any state member thereto, the compact shall

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remain in full force and effect as to the remaining member states. Nothing in this compact

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supersedes state law or rules related to licensure of EMS agencies.

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