

**RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE
INTERSTATE COMPACT
("REPLICA")**

1 **EMS PERSONNEL LICENSURE INTERSTATE COMPACT**

2 **SECTION 1. PURPOSE**

3 In order to protect the public through verification of competency and ensure accountability for
4 patient care related activities all states license emergency medical services (EMS) personnel,
5 such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact
6 is intended to facilitate the day to day movement of EMS personnel across state boundaries in the
7 performance of their EMS duties as assigned by an appropriate authority and authorize state
8 EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state.
9 This Compact recognizes that states have a vested interest in protecting the public’s health and
10 safety through their licensing and regulation of EMS personnel and that such state regulation
11 shared among the member states will best protect public health and safety. This Compact is
12 designed to achieve the following purposes and objectives:

- 13 1. Increase public access to EMS personnel;
- 14 2. Enhance the states’ ability to protect the public’s health and safety, especially patient
15 safety;
- 16 3. Encourage the cooperation of member states in the areas of EMS personnel licensure
17 and regulation;
- 18 4. Support licensing of military members who are separating from an active duty tour
19 and their spouses;
- 20 5. Facilitate the exchange of information between member states regarding EMS
21 personnel licensure, adverse action and significant investigatory information;
- 22 6. Promote compliance with the laws governing EMS personnel practice in each
23 member state; and

24 7. Invest all member states with the authority to hold EMS personnel accountable
25 through the mutual recognition of member state licenses.

26 **SECTION 2. DEFINITIONS**

27 In this compact:

28 A. “Advanced Emergency Medical Technician (AEMT)” means: an individual licensed
29 with cognitive knowledge and a scope of practice that corresponds to that level in the National
30 EMS Education Standards and National EMS Scope of Practice Model.

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

37 C. “Alternative program” means: a voluntary, non-disciplinary substance abuse recovery
38 program approved by a state EMS authority.

39 D. “Certification” means: the successful verification of entry-level cognitive and
40 psychomotor competency using a reliable, validated, and legally defensible examination.

41 E. “Commission” means: the national administrative body of which all states that have
42 enacted the compact are members.

43 F. “Emergency Medical Technician (EMT)” means: an individual licensed with
44 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
45 Education Standards and National EMS Scope of Practice Model.

46 G. “Home State” means: a member state where an individual is licensed to practice
47 emergency medical services.

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

50 I. “Medical Director” means: a physician licensed in a member state who is
51 accountable for the care delivered by EMS personnel.

52 J. “Member State” means: a state that has enacted this compact.

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

55 L. “Paramedic” means: an individual licensed with cognitive knowledge and a scope of
56 practice that corresponds to that level in the National EMS Education Standards and National
57 EMS Scope of Practice Model.

58 M. “Remote State” means: a member state in which an individual is not licensed.

59 N. “Restricted” means: the outcome of an adverse action that limits a license or the
60 privilege to practice.

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

66 P. “Scope of Practice” means: defined parameters of various duties or services that may
67 be provided by an individual with specific credentials. Whether regulated by rule, statute, or
68 court decision, it tends to represent the limits of services an individual may perform.

69 Q. “Significant Investigatory Information” means:

70 1. .investigative information that a state EMS authority, after a preliminary inquiry
71 that includes notification and an opportunity to respond if required by state law, has reason to
72 believe, if proved true, would result in the imposition of an adverse action on a license or
73 privilege to practice; or

74 2. investigative information that indicates that the individual represents an
75 immediate threat to public health and safety regardless of whether the individual has been
76 notified and had an opportunity to respond.

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

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

81 **SECTION 3. HOME STATE LICENSURE**

82 A. Any member state in which an individual holds a current license shall be deemed a
83 home state for purposes of this compact.

84 B. Any member state may require an individual to obtain and retain a license to be
85 authorized to practice in the member state under circumstances not authorized by the privilege to
86 practice under the terms of this compact.

87 C. A home state’s license authorizes an individual to practice in a remote state under the
88 privilege to practice only if the home state:

89 1. Currently requires the use of the National Registry of Emergency Medical
90 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and
91 paramedic levels;

- 92 2. Has a mechanism in place for receiving and investigating complaints about
93 individuals;
- 94 3. Notifies the Commission, in compliance with the terms herein, of any adverse
95 action or significant investigatory information regarding an individual;
- 96 4. No later than five years after activation of the Compact, requires a criminal
97 background check of all applicants for initial licensure, including the use of the results of
98 fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau
99 of Investigation with the exception of federal employees who have suitability determination in
100 accordance with US CFR §731.202 and submit documentation of such as promulgated in the
101 rules of the Commission; and
- 102 5. Complies with the rules of the Commission.

103 **SECTION 4. COMPACT PRIVILEGE TO PRACTICE**

104 A. Member states shall recognize the privilege to practice of an individual licensed in
105 another member state that is in conformance with Section 3.

106 B. To exercise the privilege to practice under the terms and provisions of this compact,
107 an individual must:

- 108 1. Be at least 18 years of age;
- 109 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
110 paramedic, or state recognized and licensed level with a scope of practice and authority between
111 EMT and paramedic; and
- 112 3. Practice under the supervision of a medical director.

113 C. An individual providing patient care in a remote state under the privilege to practice
114 shall function within the scope of practice authorized by the home state unless and until modified
115 by an appropriate authority in the remote state as may be defined in the rules of the commission.

116 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
117 state will be subject to the remote state's authority and laws. A remote state may, in accordance
118 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
119 practice in the remote state and may take any other necessary actions to protect the health and
120 safety of its citizens. If a remote state takes action it shall promptly notify the home state and the
121 Commission.

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

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

128 **SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE**

129 An individual may practice in a remote state under a privilege to practice only in the
130 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
131 in the rules of the Commission, and under the following circumstances:

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

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

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

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

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

141 **SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT**
142 **ASSISTANCE COMPACT**

143 Upon a member state’s governor’s declaration of a state of emergency or disaster that activates
144 the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of
145 EMAC shall apply and to the extent any terms or provisions of this Compact conflicts with
146 EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote
147 state in response to such declaration.

148 **SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE**
149 **DUTY MILITARY, AND THEIR SPOUSES**

150 A. Member states shall consider a veteran, active military service member, and member
151 of the National Guard and Reserves separating from an active duty tour, and a spouse thereof,
152 who holds a current valid and unrestricted NREMT certification at or above the level of the state
153 license being sought as satisfying the minimum training and examination requirements for such
154 licensure.

155 B. Member states shall expedite the processing of licensure applications submitted by
156 veterans, active military service members, and members of the National Guard and Reserves
157 separating from an active duty tour, and their spouses.

158 C. All individuals functioning with a privilege to practice under this Section remain
159 subject to the Adverse Actions provisions of Section VIII.

160 **SECTION 8. ADVERSE ACTIONS**

161 A. A home state shall have exclusive power to impose adverse action against an
162 individual's license issued by the home state.

163 B. If an individual's license in any home state is restricted or suspended, the individual
164 shall not be eligible to practice in a remote state under the privilege to practice until the
165 individual's home state license is restored.

166 1. All home state adverse action orders shall include a statement that the individual's
167 compact privileges are inactive. The order may allow the individual to practice in remote states
168 with prior written authorization from both the home state and remote state's EMS authority.

169 2. An individual currently subject to adverse action in the home state shall not
170 practice in any remote state without prior written authorization from both the home state and
171 remote state's EMS authority.

172 C. A member state shall report adverse actions and any occurrences that the individual's
173 compact privileges are restricted, suspended, or revoked to the Commission in accordance with
174 the rules of the Commission.

175 D. A remote state may take adverse action on an individual's privilege to practice within
176 that state.

177 E. Any member state may take adverse action against an individual's privilege to
178 practice in that state based on the factual findings of another member state, so long as each state
179 follows its own procedures for imposing such adverse action.

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

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

190 **SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S**
191 **EMS AUTHORITY**

192 A member state's EMS authority, in addition to any other powers granted under state law, is
193 authorized under this compact to:

194 1. Issue subpoenas for both hearings and investigations that require the attendance and
195 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
196 EMS authority for the attendance and testimony of witnesses, and/or the production of evidence
197 from another member state, shall be enforced in the remote state by any court of competent
198 jurisdiction, according to that court's practice and procedure in considering subpoenas issued in
199 its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses,
200 mileage, and other fees required by the service statutes of the state where the witnesses and/or
201 evidence are located; and

202 2. Issue cease and desist orders to restrict, suspend, or revoke an individual’s privilege
203 to practice in the state.

204 **SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR**
205 **EMS PERSONNEL PRACTICE**

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

208 1. The Commission is a body politic and an instrumentality of the Compact states.

209 2. Venue is proper and judicial proceedings by or against the Commission shall be
210 brought solely and exclusively in a court of competent jurisdiction where the principal office of
211 the Commission is located. The Commission may waive venue and jurisdictional defenses to the
212 extent it adopts or consents to participate in alternative dispute resolution proceedings.

213 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

214 B. Membership, Voting, and Meetings

215 1. Each member state shall have and be limited to one (1) delegate. The responsible
216 official of the state EMS authority or his designee shall be the delegate to this Compact for each
217 member state. Any delegate may be removed or suspended from office as provided by the law of
218 the state from which the delegate is appointed. Any vacancy occurring in the Commission shall
219 be filled in accordance with the laws of the member state in which the vacancy exists. In the
220 event that more than one board, office, or other agency with the legislative mandate to license
221 EMS personnel at and above the level of EMT exists, the Governor of the state will determine
222 which entity will be responsible for assigning the delegate.

223 2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of
224 rules and creation of bylaws and shall otherwise have an opportunity to participate in the

225 business and affairs of the Commission. A delegate shall vote in person or by such other means
226 as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by
227 telephone or other means of communication.

228 3. The Commission shall meet at least once during each calendar year. Additional
229 meetings shall be held as set forth in the bylaws.

230 4. All meetings shall be open to the public, and public notice of meetings shall be
231 given in the same manner as required under the rulemaking provisions in Section XII.

232 5. The Commission may convene in a closed, non-public meeting if the Commission
233 must discuss:

234 a. Non-compliance of a member state with its obligations under the Compact;

235 b. The employment, compensation, discipline or other personnel matters,

236 practices or procedures related to specific employees or other matters related to the

237 Commission's internal personnel practices and procedures;

238 c. Current, threatened, or reasonably anticipated litigation;

239 d. Negotiation of contracts for the purchase or sale of goods, services, or real

240 estate;

241 e. Accusing any person of a crime or formally censuring any person;

242 f. Disclosure of trade secrets or commercial or financial information that is

243 privileged or confidential;

244 g. Disclosure of information of a personal nature where disclosure would

245 constitute a clearly unwarranted invasion of personal privacy;

246 h. Disclosure of investigatory records compiled for law enforcement purposes;

247 i. Disclosure of information related to any investigatory reports prepared by or
248 on behalf of or for use of the Commission or other committee charged with responsibility of
249 investigation or determination of compliance issues pursuant to the compact; or

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

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

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

263 1. Establishing the fiscal year of the Commission;

264 2. Providing reasonable standards and procedures:

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

266 b. governing any general or specific delegation of any authority or function of
267 the Commission;

268 3. Providing reasonable procedures for calling and conducting meetings of the

269 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity

270 for attendance of such meetings by interested parties, with enumerated exceptions designed to
271 protect the public's interest, the privacy of individuals, and proprietary information, including
272 trade secrets. The Commission may meet in closed session only after a majority of the
273 membership votes to close a meeting in whole or in part. As soon as practicable, the Commission
274 must make public a copy of the vote to close the meeting revealing the vote of each member with
275 no proxy votes allowed;

276 4. Establishing the titles, duties and authority, and reasonable procedures for the
277 election of the officers of the Commission;

278 5. Providing reasonable standards and procedures for the establishment of the
279 personnel policies and programs of the Commission. Notwithstanding any civil service or other
280 similar laws of any member state, the bylaws shall exclusively govern the personnel policies and
281 programs of the Commission;

282 6. Promulgating a code of ethics to address permissible and prohibited activities of
283 Commission members and employees;

284 7. Providing a mechanism for winding up the operations of the Commission and the
285 equitable disposition of any surplus funds that may exist after the termination of the Compact
286 after the payment and/or reserving of all of its debts and obligations;

287 8. The Commission shall publish its bylaws and file a copy thereof, and a copy of
288 any amendment thereto, with the appropriate agency or officer in each of the member states, if
289 any.

290 9. The Commission shall maintain its financial records in accordance with the
291 bylaws.

292 10. The Commission shall meet and take such actions as are consistent with the
293 provisions of this Compact and the bylaws.

294 D. The Commission shall have the following powers:

295 1. The authority to promulgate uniform rules to facilitate and coordinate
296 implementation and administration of this Compact. The rules shall have the force and effect of
297 law and shall be binding in all member states;

298 2. To bring and prosecute legal proceedings or actions in the name of the
299 Commission, provided that the standing of any state EMS authority or other regulatory body
300 responsible for EMS personnel licensure to sue or be sued under applicable law shall not be
301 affected;

302 3. To purchase and maintain insurance and bonds;

303 4. To borrow, accept, or contract for services of personnel, including, but not limited
304 to, employees of a member state;

305 5. To hire employees, elect or appoint officers, fix compensation, define duties,
306 grant such individuals appropriate authority to carry out the purposes of the compact, and to
307 establish the Commission's personnel policies and programs relating to conflicts of interest,
308 qualifications of personnel, and other related personnel matters;

309 6. To accept any and all appropriate donations and grants of money, equipment,
310 supplies, materials and services, and to receive, utilize and dispose of the same; provided that at
311 all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of
312 interest;

313 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
314 hold, improve or use, any property, real, personal or mixed; provided that at all times the
315 Commission shall strive to avoid any appearance of impropriety;

316 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
317 of any property real, personal, or mixed;

318 9. To establish a budget and make expenditures;

319 10. To borrow money;

320 11. To appoint committees, including advisory committees comprised of members,
321 state regulators, state legislators or their representatives, and consumer representatives, and such
322 other interested persons as may be designated in this compact and the bylaws;

323 12. To provide and receive information from, and to cooperate with, law enforcement
324 agencies;

325 13. To adopt and use an official seal; and

326 14. To perform such other functions as may be necessary or appropriate to achieve
327 the purposes of this Compact consistent with the state regulation of EMS personnel licensure and
328 practice.

329 E. Financing of the Commission

330 1. The Commission shall pay, or provide for the payment of, the reasonable
331 expenses of its establishment, organization, and ongoing activities.

332 2. The Commission may accept any and all appropriate revenue sources, donations,
333 and grants of money, equipment, supplies, materials, and services.

334 3. The Commission may levy on and collect an annual assessment from each
335 member state or impose fees on other parties to cover the cost of the operations and activities of

336 the Commission and its staff, which must be in a total amount sufficient to cover its annual
337 budget as approved each year for which revenue is not provided by other sources. The aggregate
338 annual assessment amount shall be allocated based upon a formula to be determined by the
339 Commission, which shall promulgate a rule binding upon all member states.

340 4. The Commission shall not incur obligations of any kind prior to securing the
341 funds adequate to meet the same; nor shall the Commission pledge the credit of any of the
342 member states, except by and with the authority of the member state.

343 5. The Commission shall keep accurate accounts of all receipts and disbursements.
344 The receipts and disbursements of the Commission shall be subject to the audit and accounting
345 procedures established under its bylaws. However, all receipts and disbursements of funds
346 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
347 and the report of the audit shall be included in and become part of the annual report of the
348 Commission.

349 F. Qualified Immunity, Defense, and Indemnification

350 1. The members, officers, executive director, employees and representatives of the
351 Commission shall be immune from suit and liability, either personally or in their official
352 capacity, for any claim for damage to or loss of property or personal injury or other civil liability
353 caused by or arising out of any actual or alleged act, error or omission that occurred, or that the
354 person against whom the claim is made had a reasonable basis for believing occurred within the
355 scope of Commission employment, duties or responsibilities; provided that nothing in this
356 paragraph shall be construed to protect any such person from suit and/or liability for any damage,
357 loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

358 2. The Commission shall defend any member, officer, executive director, employee
359 or representative of the Commission in any civil action seeking to impose liability arising out of
360 any actual or alleged act, error, or omission that occurred within the scope of Commission
361 employment, duties, or responsibilities, or that the person against whom the claim is made had a
362 reasonable basis for believing occurred within the scope of Commission employment, duties, or
363 responsibilities; provided that nothing herein shall be construed to prohibit that person from
364 retaining his or her own counsel; and provided further, that the actual or alleged act, error, or
365 omission did not result from that person's intentional or willful or wanton misconduct.

366 3. The Commission shall indemnify and hold harmless any member, officer,
367 executive director, employee, or representative of the Commission for the amount of any
368 settlement or judgment obtained against that person arising out of any actual or alleged act, error
369 or omission that occurred within the scope of Commission employment, duties, or
370 responsibilities, or that such person had a reasonable basis for believing occurred within the
371 scope of Commission employment, duties, or responsibilities, provided that the actual or alleged
372 act, error, or omission did not result from the intentional or willful or wanton misconduct of that
373 person.

374 **SECTION 11. COORDINATED DATABASE**

375 A. The Commission shall provide for the development and maintenance of a coordinated
376 database and reporting system containing licensure, adverse action, and significant investigatory
377 information on all licensed individuals in member states.

378 B. Notwithstanding any other provision of state law to the contrary, a member state shall
379 submit a uniform data set to the coordinated database on all individuals to whom this compact is
380 applicable as required by the rules of the Commission, including:

- 381 1. Identifying information;
- 382 2. Licensure data;
- 383 3. Significant investigatory information;
- 384 4. Adverse actions against an individual's license;
- 385 5. An indicator that an individual's privilege to practice is restricted, suspended or
- 386 revoked;
- 387 6. Non-confidential information related to alternative program participation;
- 388 7. Any denial of application for licensure, and the reason(s) for such denial; and
- 389 8. Other information that may facilitate the administration of this Compact, as
- 390 determined by the rules of the Commission.

391 C. The coordinated database administrator shall promptly notify all member states of

392 any adverse action taken against, or significant investigative information on, any individual in a

393 member state.

394 D. Member states contributing information to the coordinated database may designate

395 information that may not be shared with the public without the express permission of the

396 contributing state.

397 E. Any information submitted to the coordinated database that is subsequently required

398 to be expunged by the laws of the member state contributing the information shall be removed

399 from the coordinated database.

400 **SECTION 12. RULEMAKING**

401 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth

402 in this Section and the rules adopted thereunder. Rules and amendments shall become binding as

403 of the date specified in each rule or amendment.

404 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
405 statute or resolution in the same manner used to adopt the Compact, then such rule shall have no
406 further force and effect in any member state.

407 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
408 the Commission.

409 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at
410 least sixty (60) days in advance of the meeting at which the rule will be considered and voted
411 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 412 1. On the website of the Commission; and
- 413 2. On the website of each member state EMS authority or the publication in which
414 each state would otherwise publish proposed rules.

415 E. The Notice of Proposed Rulemaking shall include:

- 416 1. The proposed time, date, and location of the meeting in which the rule will be
417 considered and voted upon;
- 418 2. The text of the proposed rule or amendment and the reason for the proposed rule;
- 419 3. A request for comments on the proposed rule from any interested person; and
- 420 4. The manner in which interested persons may submit notice to the Commission of
421 their intention to attend the public hearing and any written comments.

422 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
423 written data, facts, opinions, and arguments, which shall be made available to the public.

424 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule
425 or amendment if a hearing is requested by:

- 426 1. At least twenty-five (25) persons;

427 2. A governmental subdivision or agency; or

428 3. An association having at least twenty-five (25) members.

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

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

434 2. Hearings shall be conducted in a manner providing each person who wishes to
435 comment a fair and reasonable opportunity to comment orally or in writing.

436 3. No transcript of the hearing is required, unless a written request for a transcript is
437 made, in which case the person requesting the transcript shall bear the cost of producing the
438 transcript. A recording may be made in lieu of a transcript under the same terms and conditions
439 as a transcript. This subsection shall not preclude the Commission from making a transcript or
440 recording of the hearing if it so chooses.

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

444 I. Following the scheduled hearing date, or by the close of business on the scheduled
445 hearing date if the hearing was not held, the Commission shall consider all written and oral
446 comments received.

447 J. The Commission shall, by majority vote of all members, take final action on the
448 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
449 record and the full text of the rule.

450 K. If no written notice of intent to attend the public hearing by interested parties is
451 received, the Commission may proceed with promulgation of the proposed rule without a public
452 hearing.

453 L. Upon determination that an emergency exists, the Commission may consider and
454 adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that
455 the usual rulemaking procedures provided in the Compact and in this section shall be
456 retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90)
457 days after the effective date of the rule. For the purposes of this provision, an emergency rule is
458 one that must be adopted immediately in order to:

- 459 1. Meet an imminent threat to public health, safety, or welfare;
- 460 2. Prevent a loss of Commission or member state funds;
- 461 3. Meet a deadline for the promulgation of an administrative rule that is established
462 by federal law or rule; or
- 463 4. Protect public health and safety.

464 M. The Commission or an authorized committee of the Commission may direct revisions
465 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors
466 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
467 posted on the website of the Commission. The revision shall be subject to challenge by any
468 person for a period of thirty (30) days after posting. The revision may be challenged only on
469 grounds that the revision results in a material change to a rule. A challenge shall be made in
470 writing, and delivered to the chair of the Commission prior to the end of the notice period. If no
471 challenge is made, the revision will take effect without further action. If the revision is
472 challenged, the revision may not take effect without the approval of the Commission.

473 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

474 A. Oversight

475 1. The executive, legislative, and judicial branches of state government in each
476 member state shall enforce this compact and take all actions necessary and appropriate to
477 effectuate the compact’s purposes and intent. The provisions of this compact and the rules
478 promulgated hereunder shall have standing as statutory law.

479 2. All courts shall take judicial notice of the compact and the rules in any judicial or
480 administrative proceeding in a member state pertaining to the subject matter of this compact
481 which may affect the powers, responsibilities or actions of the Commission.

482 3. The Commission shall be entitled to receive service of process in any such
483 proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to
484 provide service of process to the Commission shall render a judgment or order void as to the
485 Commission, this Compact, or promulgated rules.

486 B. Default, Technical Assistance, and Termination

487 1. If the Commission determines that a member state has defaulted in the
488 performance of its obligations or responsibilities under this compact or the promulgated rules,
489 the Commission shall:

490 a. Provide written notice to the defaulting state and other member states of the
491 nature of the default, the proposed means of curing the default and/or any other action to be
492 taken by the Commission; and

493 b. Provide remedial training and specific technical assistance regarding the
494 default.

495 2. If a state in default fails to cure the default, the defaulting state may be terminated
496 from the Compact upon an affirmative vote of a majority of the member states, and all rights,

497 privileges and benefits conferred by this compact may be terminated on the effective date of
498 termination. A cure of the default does not relieve the offending state of obligations or liabilities
499 incurred during the period of default.

500 3. Termination of membership in the compact shall be imposed only after all other
501 means of securing compliance have been exhausted. Notice of intent to suspend or terminate
502 shall be given by the Commission to the governor, the majority and minority leaders of the
503 defaulting state's legislature, and each of the member states.

504 4. A state that has been terminated is responsible for all assessments, obligations,
505 and liabilities incurred through the effective date of termination, including obligations that
506 extend beyond the effective date of termination.

507 5. The Commission shall not bear any costs related to a state that is found to be in
508 default or that has been terminated from the compact, unless agreed upon in writing between the
509 Commission and the defaulting state.

510 6. The defaulting state may appeal the action of the Commission by petitioning the
511 U.S. District Court for the District of Columbia or the federal district where the Commission has
512 its principal offices. The prevailing member shall be awarded all costs of such litigation,
513 including reasonable attorney's fees.

514 C. Dispute Resolution

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

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

520 D. Enforcement

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

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

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

531 **SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE**
532 **COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED**
533 **RULES, WITHDRAWAL, AND AMENDMENT**

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

539 B. Any state that joins the compact subsequent to the Commission’s initial adoption of
540 the rules shall be subject to the rules as they exist on the date on which the compact becomes law
541 in that state. Any rule that has been previously adopted by the Commission shall have the full
542 force and effect of law on the day the compact becomes law in that state.

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

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

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

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

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

556 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

557 This Compact shall be liberally construed so as to effectuate the purposes thereof. If this
558 compact shall be held contrary to the constitution of any state member thereto, the compact shall
559 remain in full force and effect as to the remaining member states. Nothing in this compact
560 supersedes state law or rules related to licensure of EMS agencies.