

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

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

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

1. Increase public access to EMS personnel;
2. Enhance the states' ability to protect the public's health and safety, especially patient safety;
3. Encourage the cooperation of member states in the areas of EMS personnel licensure 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
30 National 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
33 a state EMS authority or state court, including, but not limited to, actions against an
34 individual’s license such as revocation, suspension, probation, consent agreement,
35 monitoring or other limitation or encumbrance on the individual’s practice, letters of
36 reprimand or admonition, fines, criminal convictions and state court judgments
37 enforcing adverse actions by the state EMS authority.
- 38 C. “Alternative program” means: a voluntary, non-disciplinary substance abuse recovery
39 program approved by a state EMS authority.

- 40 D. “Certification” means: the successful verification of entry-level cognitive and
41 psychomotor competency using a reliable, validated, and legally defensible
42 examination.
- 43 E. “Commission” means: the national administrative body of which all states that have
44 enacted the compact are members.
- 45 F. “Emergency Medical Technician (EMT)” means: an individual licensed with
46 cognitive knowledge and a scope of practice that corresponds to that level in the
47 National EMS Education Standards and National EMS Scope of Practice Model.
- 48 G. “Home State” means: a member state where an individual is licensed to practice
49 emergency medical services.
- 50 H. “License” means: the authorization by a state for an individual to practice as an
51 EMT, AEMT, paramedic, or a level in between EMT and paramedic.
- 52 I. “Medical Director” means: a physician licensed in a member state who is
53 accountable for the care delivered by EMS personnel.
- 54 J. “Member State” means: a state that has enacted this compact.
- 55 K. “Privilege to Practice” means: an individual’s authority to deliver emergency
56 medical services in remote states as authorized under this compact.
- 57 L. “Paramedic” means: an individual licensed with cognitive knowledge and a scope of
58 practice that corresponds to that level in the National EMS Education Standards and
59 National EMS Scope of Practice Model.
- 60 M. “Remote State” means: a member state in which an individual is not licensed.
- 61 N. “Restricted” means: the outcome of an adverse action that limits a license or the
62 privilege to practice.

- 63 O. “Rule” means: a written statement by the interstate Commission promulgated
64 pursuant to Section 12 of this compact that is of general applicability; implements,
65 interprets, or prescribes a policy or provision of the compact; or is an organizational,
66 procedural, or practice requirement of the Commission and has the force and effect of
67 statutory law in a member state and includes the amendment, repeal, or suspension of
68 an existing rule.
- 69 P. “Scope of Practice” means: defined parameters of various duties or services that may
70 be provided by an individual with specific credentials. Whether regulated by rule,
71 statute, or court decision, it tends to represent the limits of services an individual may
72 perform.
- 73 Q. “Significant Investigatory Information” means:
- 74 1. .investigative information that a state EMS authority, after a preliminary
75 inquiry that includes notification and an opportunity to respond if required
76 by state law, has reason to believe, if proved true, would result in the
77 imposition of an adverse action on a license or privilege to practice; or
- 78 2. investigative information that indicates that the individual represents an
79 immediate threat to public health and safety regardless of whether the
80 individual has been notified and had an opportunity to respond.
- 81 R. “State” means: means any state, commonwealth, district, or territory of the United
82 States.
- 83 S. “State EMS Authority” means: the board, office, or other agency with the legislative
84 mandate to license EMS personnel.

85 **SECTION 3. HOME STATE LICENSURE**

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

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

91 C. A home state's license authorizes an individual to practice in a remote state under the
92 privilege to practice only if the home state:

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

96 2. Has a mechanism in place for receiving and investigating complaints
97 about individuals;

98 3. Notifies the Commission, in compliance with the terms herein, of any
99 adverse action or significant investigatory information regarding an
100 individual;

101 4. No later than five years after activation of the Compact, requires a
102 criminal background check of all applicants for initial licensure, including
103 the use of the results of fingerprint or other biometric data checks
104 compliant with the requirements of the Federal Bureau of Investigation
105 with the exception of federal employees who have suitability
106 determination in accordance with US CFR §731.202 and submit

107 documentation of such as promulgated in the rules of the Commission;

108 and

109 5. Complies with the rules of the Commission.

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

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

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

115 1. Be at least 18 years of age;

116 2. Possess a current unrestricted license in a member state as an EMT,
117 AEMT, paramedic, or state recognized and licensed level with a scope of
118 practice and authority between EMT and paramedic; and

119 3. Practice under the supervision of a medical director.

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

124 D. Except as provided in Section 4 subsection C, an individual practicing in a remote
125 state will be subject to the remote state's authority and laws. A remote state may, in
126 accordance with due process and that state's laws, restrict, suspend, or revoke an
127 individual's privilege to practice in the remote state and may take any other necessary

128 actions to protect the health and safety of its citizens. If a remote state takes action it
129 shall promptly notify the home state and the Commission.

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

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

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

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

- 140 1. The individual originates a patient transport in a home state and transports the patient
141 to a remote state;
- 142 2. The individual originates in the home state and enters a remote state to pick up a
143 patient and provide care and transport of the patient to the home state;
- 144 3. The individual enters a remote state to provide patient care and/or transport within
145 that remote state;
- 146 4. The individual enters a remote state to pick up a patient and provide care and
147 transport to a third member state;
- 148 5. Other conditions as determined by rules promulgated by the commission.

149 **SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE**
150 **COMPACT**

151 Upon a member state's governor's declaration of a state of emergency or disaster that activates
152 the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of
153 EMAC shall apply and to the extent any terms or provisions of this Compact conflicts with
154 EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote
155 state in response to such declaration.

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

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

168 **SECTION 8. ADVERSE ACTIONS**

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

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

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

199 **SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE’S EMS**
200 **AUTHORITY**

201 A member state’s EMS authority, in addition to any other powers granted under state law, is
202 authorized under this compact to:

- 203 1. Issue subpoenas for both hearings and investigations that require the attendance and
204 testimony of witnesses and the production of evidence. Subpoenas issued by a
205 member state’s EMS authority for the attendance and testimony of witnesses, and/or
206 the production of evidence from another member state, shall be enforced in the
207 remote state by any court of competent jurisdiction, according to that court’s practice
208 and procedure in considering subpoenas issued in its own proceedings. The issuing
209 state EMS authority shall pay any witness fees, travel expenses, mileage, and other
210 fees required by the service statutes of the state where the witnesses and/or evidence
211 are located; and
- 212 2. Issue cease and desist orders to restrict, suspend, or revoke an individual’s privilege
213 to practice in the state.

214 **SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR**
215 **EMS PERSONNEL PRACTICE**

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

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

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

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

227 B. Membership, Voting, and Meetings

228 1. Each member state shall have and be limited to one (1) delegate. The
229 responsible official of the state EMS authority or his designee shall be the
230 delegate to this Compact for each member state. Any delegate may be
231 removed or suspended from office as provided by the law of the state from
232 which the delegate is appointed. Any vacancy occurring in the
233 Commission shall be filled in accordance with the laws of the member
234 state in which the vacancy exists. In the event that more than one board,
235 office, or other agency with the legislative mandate to license EMS

236 personnel at and above the level of EMT exists, the Governor of the state
237 will determine which entity will be responsible for assigning the delegate.

238 2. Each delegate shall be entitled to one (1) vote with regard to the
239 promulgation of rules and creation of bylaws and shall otherwise have an
240 opportunity to participate in the business and affairs of the Commission. A
241 delegate shall vote in person or by such other means as provided in the
242 bylaws. The bylaws may provide for delegates' participation in meetings
243 by telephone or other means of communication.

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

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

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

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

253 b. The employment, compensation, discipline or other personnel matters,
254 practices or procedures related to specific employees or other matters
255 related to the Commission's internal personnel practices and
256 procedures;

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

- 258 d. Negotiation of contracts for the purchase or sale of goods, services, or
259 real estate;
- 260 e. Accusing any person of a crime or formally censuring any person;
- 261 f. Disclosure of trade secrets or commercial or financial information that
262 is privileged or confidential;
- 263 g. Disclosure of information of a personal nature where disclosure would
264 constitute a clearly unwarranted invasion of personal privacy;
- 265 h. Disclosure of investigatory records compiled for law enforcement
266 purposes;
- 267 i. Disclosure of information related to any investigatory reports prepared
268 by or on behalf of or for use of the Commission or other committee
269 charged with responsibility of investigation or determination of
270 compliance issues pursuant to the compact; or
- 271 j. Matters specifically exempted from disclosure by federal or member
272 state statute.
- 273 6. If a meeting, or portion of a meeting, is closed pursuant to this provision,
274 the Commission's legal counsel or designee shall certify that the meeting
275 may be closed and shall reference each relevant exempting provision. The
276 Commission shall keep minutes that fully and clearly describe all matters
277 discussed in a meeting and shall provide a full and accurate summary of
278 actions taken, and the reasons therefore, including a description of the
279 views expressed. All documents considered in connection with an action
280 shall be identified in such minutes. All minutes and documents of a closed

281 meeting shall remain under seal, subject to release by a majority vote of
282 the Commission or order of a court of competent jurisdiction.

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

286 1. Establishing the fiscal year of the Commission;

287 2. Providing reasonable standards and procedures:

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

289 b. governing any general or specific delegation of any authority or
290 function of the Commission;

291 3. Providing reasonable procedures for calling and conducting meetings of
292 the Commission, ensuring reasonable advance notice of all meetings, and

293 providing an opportunity for attendance of such meetings by interested

294 parties, with enumerated exceptions designed to protect the public's

295 interest, the privacy of individuals, and proprietary information, including

296 trade secrets. The Commission may meet in closed session only after a

297 majority of the membership votes to close a meeting in whole or in part.

298 As soon as practicable, the Commission must make public a copy of the

299 vote to close the meeting revealing the vote of each member with no proxy

300 votes allowed;

301 4. Establishing the titles, duties and authority, and reasonable procedures for

302 the election of the officers of the Commission;

- 303 5. Providing reasonable standards and procedures for the establishment of
304 the personnel policies and programs of the Commission. Notwithstanding
305 any civil service or other similar laws of any member state, the bylaws
306 shall exclusively govern the personnel policies and programs of the
307 Commission;
- 308 6. Promulgating a code of ethics to address permissible and prohibited
309 activities of Commission members and employees;
- 310 7. Providing a mechanism for winding up the operations of the Commission
311 and the equitable disposition of any surplus funds that may exist after the
312 termination of the Compact after the payment and/or reserving of all of its
313 debts and obligations;
- 314 8. The Commission shall publish its bylaws and file a copy thereof, and a
315 copy of any amendment thereto, with the appropriate agency or officer in
316 each of the member states, if any.
- 317 9. The Commission shall maintain its financial records in accordance with
318 the bylaws.
- 319 10. The Commission shall meet and take such actions as are consistent with
320 the provisions of this Compact and the bylaws.

321 D. The Commission shall have the following powers:

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

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

- 348 10. To borrow money;
- 349 11. To appoint committees, including advisory committees comprised of
- 350 members, state regulators, state legislators or their representatives, and
- 351 consumer representatives, and such other interested persons as may be
- 352 designated in this compact and the bylaws;
- 353 12. To provide and receive information from, and to cooperate with, law
- 354 enforcement agencies;
- 355 13. To adopt and use an official seal; and
- 356 14. To perform such other functions as may be necessary or appropriate to
- 357 achieve the purposes of this Compact consistent with the state regulation
- 358 of EMS personnel licensure and practice.

359 E. Financing of the Commission

- 360 1. The Commission shall pay, or provide for the payment of, the reasonable
- 361 expenses of its establishment, organization, and ongoing activities.
- 362 2. The Commission may accept any and all appropriate revenue sources,
- 363 donations, and grants of money, equipment, supplies, materials, and
- 364 services.
- 365 3. The Commission may levy on and collect an annual assessment from each
- 366 member state or impose fees on other parties to cover the cost of the
- 367 operations and activities of the Commission and its staff, which must be in
- 368 a total amount sufficient to cover its annual budget as approved each year
- 369 for which revenue is not provided by other sources. The aggregate annual
- 370 assessment amount shall be allocated based upon a formula to be

371 determined by the Commission, which shall promulgate a rule binding
372 upon all member states.

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

377 5. The Commission shall keep accurate accounts of all receipts and
378 disbursements. The receipts and disbursements of the Commission shall be
379 subject to the audit and accounting procedures established under its
380 bylaws. However, all receipts and disbursements of funds handled by the
381 Commission shall be audited yearly by a certified or licensed public
382 accountant, and the report of the audit shall be included in and become
383 part of the annual report of the Commission.

384 F. Qualified Immunity, Defense, and Indemnification

385 1. The members, officers, executive director, employees and representatives
386 of the Commission shall be immune from suit and liability, either
387 personally or in their official capacity, for any claim for damage to or loss
388 of property or personal injury or other civil liability caused by or arising
389 out of any actual or alleged act, error or omission that occurred, or that the
390 person against whom the claim is made had a reasonable basis for
391 believing occurred within the scope of Commission employment, duties or
392 responsibilities; provided that nothing in this paragraph shall be construed
393 to protect any such person from suit and/or liability for any damage, loss,

394 injury, or liability caused by the intentional or willful or wanton
395 misconduct of that person.

396 2. The Commission shall defend any member, officer, executive director,
397 employee or representative of the Commission in any civil action seeking
398 to impose liability arising out of any actual or alleged act, error, or
399 omission that occurred within the scope of Commission employment,
400 duties, or responsibilities, or that the person against whom the claim is
401 made had a reasonable basis for believing occurred within the scope of
402 Commission employment, duties, or responsibilities; provided that nothing
403 herein shall be construed to prohibit that person from retaining his or her
404 own counsel; and provided further, that the actual or alleged act, error, or
405 omission did not result from that person's intentional or willful or wanton
406 misconduct.

407 3. The Commission shall indemnify and hold harmless any member, officer,
408 executive director, employee, or representative of the Commission for the
409 amount of any settlement or judgment obtained against that person arising
410 out of any actual or alleged act, error or omission that occurred within the
411 scope of Commission employment, duties, or responsibilities, or that such
412 person had a reasonable basis for believing occurred within the scope of
413 Commission employment, duties, or responsibilities, provided that the
414 actual or alleged act, error, or omission did not result from the intentional
415 or willful or wanton misconduct of that person.

416 **SECTION 11. COORDINATED DATABASE**

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

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

- 423 1. Identifying information;
- 424 2. Licensure data;
- 425 3. Significant investigatory information;
- 426 4. Adverse actions against an individual's license;
- 427 5. An indicator that an individual's privilege to practice is restricted,
428 suspended or revoked;
- 429 6. Non-confidential information related to alternative program participation;
- 430 7. Any denial of application for licensure, and the reason(s) for such denial;
431 and
- 432 8. Other information that may facilitate the administration of this Compact,
433 as determined by the rules of the Commission.

434 C. The coordinated database administrator shall promptly notify all member states of
435 any adverse action taken against, or significant investigative information on, any
436 individual in a member state.

- 437 D. Member states contributing information to the coordinated database may designate
438 information that may not be shared with the public without the express permission of
439 the contributing state.
- 440 E. Any information submitted to the coordinated database that is subsequently required
441 to be expunged by the laws of the member state contributing the information shall be
442 removed from the coordinated database.

443 **SECTION 12. RULEMAKING**

- 444 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
445 in this Section and the rules adopted thereunder. Rules and amendments shall become
446 binding as of the date specified in each rule or amendment.
- 447 B. If a majority of the legislatures of the member states rejects a rule, by enactment of a
448 statute or resolution in the same manner used to adopt the Compact, then such rule
449 shall have no further force and effect in any member state.
- 450 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
451 the Commission.
- 452 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at
453 least sixty (60) days in advance of the meeting at which the rule will be considered
454 and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
- 455 1. On the website of the Commission; and
 - 456 2. On the website of each member state EMS authority or the publication in
457 which each state would otherwise publish proposed rules.
- 458 E. The Notice of Proposed Rulemaking shall include:

- 459 1. The proposed time, date, and location of the meeting in which the rule will
460 be considered and voted upon;
- 461 2. The text of the proposed rule or amendment and the reason for the
462 proposed rule;
- 463 3. A request for comments on the proposed rule from any interested person;
464 and
- 465 4. The manner in which interested persons may submit notice to the
466 Commission of their intention to attend the public hearing and any written
467 comments.
- 468 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
469 written data, facts, opinions, and arguments, which shall be made available to the
470 public.
- 471 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule
472 or amendment if a hearing is requested by:
- 473 1. At least twenty-five (25) persons;
- 474 2. A governmental subdivision or agency; or
- 475 3. An association having at least twenty-five (25) members.
- 476 H. If a hearing is held on the proposed rule or amendment, the Commission shall publish
477 the place, time, and date of the scheduled public hearing.
- 478 1. All persons wishing to be heard at the hearing shall notify the executive
479 director of the Commission or other designated member in writing of their
480 desire to appear and testify at the hearing not less than five (5) business
481 days before the scheduled date of the hearing.

- 482 2. Hearings shall be conducted in a manner providing each person who
483 wishes to comment a fair and reasonable opportunity to comment orally or
484 in writing.
- 485 3. No transcript of the hearing is required, unless a written request for a
486 transcript is made, in which case the person requesting the transcript shall
487 bear the cost of producing the transcript. A recording may be made in lieu
488 of a transcript under the same terms and conditions as a transcript. This
489 subsection shall not preclude the Commission from making a transcript or
490 recording of the hearing if it so chooses.
- 491 4. Nothing in this section shall be construed as requiring a separate hearing
492 on each rule. Rules may be grouped for the convenience of the
493 Commission at hearings required by this section.
- 494 I. Following the scheduled hearing date, or by the close of business on the scheduled
495 hearing date if the hearing was not held, the Commission shall consider all written
496 and oral comments received.
- 497 J. The Commission shall, by majority vote of all members, take final action on the
498 proposed rule and shall determine the effective date of the rule, if any, based on the
499 rulemaking record and the full text of the rule.
- 500 K. If no written notice of intent to attend the public hearing by interested parties is
501 received, the Commission may proceed with promulgation of the proposed rule
502 without a public hearing.
- 503 L. Upon determination that an emergency exists, the Commission may consider and
504 adopt an emergency rule without prior notice, opportunity for comment, or hearing,

505 provided that the usual rulemaking procedures provided in the Compact and in this
506 section shall be retroactively applied to the rule as soon as reasonably possible, in no
507 event later than ninety (90) days after the effective date of the rule. For the purposes
508 of this provision, an emergency rule is one that must be adopted immediately in order
509 to:

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

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

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

526 A. Oversight

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

541 B. Default, Technical Assistance, and Termination

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

- 550 2. If a state in default fails to cure the default, the defaulting state may be
551 terminated from the Compact upon an affirmative vote of a majority of the
552 member states, and all rights, privileges and benefits conferred by this
553 compact may be terminated on the effective date of termination. A cure of
554 the default does not relieve the offending state of obligations or liabilities
555 incurred during the period of default.
- 556 3. Termination of membership in the compact shall be imposed only after all
557 other means of securing compliance have been exhausted. Notice of intent
558 to suspend or terminate shall be given by the Commission to the governor,
559 the majority and minority leaders of the defaulting state’s legislature, and
560 each of the member states.
- 561 4. A state that has been terminated is responsible for all assessments,
562 obligations, and liabilities incurred through the effective date of
563 termination, including obligations that extend beyond the effective date of
564 termination.
- 565 5. The Commission shall not bear any costs related to a state that is found to
566 be in default or that has been terminated from the compact, unless agreed
567 upon in writing between the Commission and the defaulting state.
- 568 6. The defaulting state may appeal the action of the Commission by
569 petitioning the U.S. District Court for the District of Columbia or the
570 federal district where the Commission has its principal offices. The
571 prevailing member shall be awarded all costs of such litigation, including
572 reasonable attorney’s fees.

573 C. Dispute Resolution

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

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

579 D. Enforcement

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

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

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

593 **SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE**
594 **COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED**
595 **RULES, WITHDRAWAL, AND AMENDMENT**

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

602 B. Any state that joins the compact subsequent to the Commission's initial adoption of
603 the rules shall be subject to the rules as they exist on the date on which the compact
604 becomes law in that state. Any rule that has been previously adopted by the
605 Commission shall have the full force and effect of law on the day the compact
606 becomes law in that state.

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

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

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

614 D. Nothing contained in this compact shall be construed to invalidate or prevent any
615 EMS personnel licensure agreement or other cooperative arrangement between a

616 member state and a non-member state that does not conflict with the provisions of
617 this compact.

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

621 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

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

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