

HOUSE BILL No. 2386

By Committee on Federal and State Affairs

2-20

1 AN ACT relating to the interstate compact for recognition of emergency
2 personnel licensure.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. This act may be cited as the interstate compact for
6 recognition of emergency medical personnel licensure.

7 THE INTERSTATE COMPACT FOR RECOGNITION OF
8 EMERGENCY PERSONNEL LICENSURE

9 ARTICLE 1

10 PURPOSE

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

- 24 (a) Increase public access to EMS personnel;
25 (b) enhance the states' ability to protect the public's health and safety,
26 especially patient safety;
27 (c) encourage the cooperation of member states in the areas of EMS
28 personnel licensure and regulation;
29 (d) support licensing of military members who are separating from an
30 active duty tour and their spouses;
31 (e) facilitate the exchange of information between member states
32 regarding EMS personnel licensure, adverse action and significant
33 investigatory information;
34 (f) promote compliance with the laws governing EMS personnel
35 practice in each member state; and
36 (g) Invest all member states with the authority to hold EMS personnel

1 accountable through the mutual recognition of member state licenses.

2 ARTICLE 2

3 DEFINITIONS

4 In this compact:

5 (a) "Advanced Emergency Medical Technician (AEMT)" means: An
6 individual licensed with cognitive knowledge and a scope of practice that
7 corresponds to that level in the National EMS Education Standards and
8 National EMS Scope of Practice Model.

9 (b) "Adverse Action" means: Any administrative, civil, equitable or
10 criminal action permitted by a state's laws which may be imposed against
11 licensed EMS personnel by a state EMS authority or state court, including,
12 but not limited to, actions against an individual's license such as
13 revocation, suspension, probation, consent agreement, monitoring or other
14 limitation or encumbrance on the individual's practice, letters of reprimand
15 or admonition, fines, criminal convictions and state court judgments
16 enforcing adverse actions by the state EMS authority.

17 (c) "Alternative program" means: A voluntary, non-disciplinary
18 substance abuse recovery program approved by a state EMS authority.

19 (d) "Certification" means: The successful verification of entry-level
20 cognitive and psychomotor competency using a reliable, validated and
21 legally defensible examination.

22 (e) "Commission" means: The national administrative body of which
23 all states that have enacted the compact are members.

24 (f) "Emergency Medical Technician (EMT)" means: An individual
25 licensed with cognitive knowledge and a scope of practice that
26 corresponds to that level in the National EMS Education Standards and
27 National EMS Scope of Practice Model.

28 (g) "Home State" means: A member state where an individual is
29 licensed to practice emergency medical services.

30 (h) "License" means: The authorization by a state for an individual to
31 practice as an EMT, AEMT, paramedic, or a level between EMT and
32 paramedic.

33 (i) "Medical Director" means: A physician licensed in a member state
34 who is accountable for the care delivered by EMS personnel.

35 (j) "Member State" means: A state that has enacted this compact.

36 (k) "Privilege to Practice" means: An individual's authority to deliver
37 emergency medical services in remote states as authorized under this
38 compact.

39 (l) "Paramedic" means: An individual licensed with cognitive
40 knowledge and a scope of practice that corresponds to that level in the
41 National EMS Education Standards and National EMS Scope of Practice
42 Model.

43 (m) "Remote State" means: A member state in which an individual is

1 not licensed.

2 (n) "Restricted" means: The outcome of an adverse action that limits
3 a license or the privilege to practice.

4 (o) "Rule" means: A written statement by the interstate commission
5 promulgated pursuant to article 12 of this compact that is of general
6 applicability; implements, interprets or prescribes a policy or provision of
7 the compact; or is an organizational, procedural or practice requirement of
8 the commission and has the force and effect of statutory law in a member
9 state and includes the amendment, repeal or suspension of an existing rule.

10 (p) "Scope of Practice" means: Defined parameters of various duties
11 or services that may be provided by an individual with specific credentials.
12 Whether regulated by rule, statute or court decision, it tends to represent
13 the limits of services an individual may perform.

14 (q) "Significant Investigatory Information" means:

15 (1) Investigative information that a state EMS authority, after a
16 preliminary inquiry that includes notification and an opportunity to
17 respond if required by state law, has reason to believe, if proved true,
18 would result in the imposition of an adverse action on a license or
19 privilege to practice; or

20 (2) investigative information that indicates that the individual
21 represents an immediate threat to public health and safety, regardless of
22 whether the individual has been notified and had an opportunity to
23 respond.

24 (r) "State" means: Any state, commonwealth, district or territory of
25 the United States.

26 (s) "State EMS authority" means: The board, office or other agency
27 with the legislative mandate to license EMS personnel.

28 ARTICLE 3

29 HOME STATE LICENSURE

30 (a) Any member state in which an individual holds a current license
31 shall be deemed a home state for purposes of this compact.

32 (b) Any member state may require an individual to obtain and retain a
33 license to be authorized to practice in the member state under
34 circumstances not authorized by the privilege to practice under the terms
35 of this compact.

36 (c) A home state's license authorizes an individual to practice in a
37 remote state under the privilege to practice only if the home state:

38 (1) Currently requires the use of the National Registry of Emergency
39 Medical Technicians (NREMT) examination as a condition of issuing
40 initial licenses at the EMT and paramedic levels;

41 (2) has a mechanism in place for receiving and investigating
42 complaints about individuals;

43 (3) notifies the commission, in compliance with the terms herein, of

1 any adverse action or significant investigatory information regarding an
2 individual;

3 (4) no later than five years after activation of the compact, requires a
4 criminal background check of all applicants for initial licensure, including
5 the use of the results of fingerprint or other biometric data checks
6 compliant with the requirements of the Federal Bureau of Investigation,
7 with the exception of federal employees who have suitability
8 determination in accordance with U.S. C.F.R. § 731.202 and submit
9 documentation of such as promulgated in the rules of the commission; and

10 (5) complies with the rules of the commission.

11 ARTICLE 4

12 COMPACT PRIVILEGE TO PRACTICE

13 (a) Member states shall recognize the privilege to practice of an
14 individual licensed in another member state that is in conformance with
15 article 3.

16 (b) To exercise the privilege to practice under the terms and
17 provisions of this compact, an individual must:

18 (1) Be at least 18 years of age;

19 (2) possess a current unrestricted license in a member state as an
20 EMT, AEMT, paramedic or state recognized and licensed level with a
21 scope of practice and authority between EMT and paramedic; and

22 (3) practice under the supervision of a medical director.

23 (c) An individual providing patient care in a remote state under the
24 privilege to practice shall function within the scope of practice authorized
25 by the home state unless and until modified by an appropriate authority in
26 the remote state as may be defined in the rules of the commission.

27 (d) Except as provided in article 4(c), an individual practicing in a
28 remote state will be subject to the remote state's authority and laws. A
29 remote state may, in accordance with due process and that state's laws,
30 restrict, suspend or revoke an individual's privilege to practice in the
31 remote state and may take any other necessary actions to protect the health
32 and safety of its citizens. If a remote state takes action it shall promptly
33 notify the home state and the commission.

34 (e) If an individual's license in any home state is restricted or
35 suspended, the individual shall not be eligible to practice in a remote state
36 under the privilege to practice until the individual's home state license is
37 restored.

38 (f) If an individual's privilege to practice in any remote state is
39 restricted, suspended or revoked, the individual shall not be eligible to
40 practice in any remote state until the individual's privilege to practice is
41 restored.

42 ARTICLE 5

43 CONDITIONS OF PRACTICE IN A REMOTE STATE

1 An individual may practice in a remote state under a privilege to
2 practice only in the performance of the individual's EMS duties as
3 assigned by an appropriate authority, as defined in the rules of the
4 commission, and under the following circumstances:

5 (a) The individual originates a patient transport in a home state and
6 transports the patient to a remote state;

7 (b) the individual originates in the home state and enters a remote
8 state to pick up a patient and provide care and transport of the patient to
9 the home state;

10 (c) the individual enters a remote state to provide patient care or
11 transport, or both, within that remote state;

12 (d) the individual enters a remote state to pick up a patient and
13 provide care and transport to a third member state;

14 (e) other conditions as determined by rules promulgated by the
15 commission.

16 ARTICLE 6

17 RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE 18 COMPACT

19 Upon a member state's governor's declaration of a state of emergency
20 or disaster that activates the emergency management assistance compact
21 (EMAC), all relevant terms and provisions of EMAC shall apply and to
22 the extent any terms or provisions of this compact conflicts with EMAC,
23 the terms of EMAC shall prevail with respect to any individual practicing
24 in the remote state in response to such declaration.

25 ARTICLE 7

26 VETERANS, SERVICE MEMBERS SEPARATING FROM 27 ACTIVE DUTY MILITARY, AND THEIR SPOUSES

28 (a) Member states shall consider a veteran, active military service
29 member, and member of the national guard and reserves separating from
30 an active duty tour, and a spouse thereof, who holds a current valid and
31 unrestricted NREMT certification at or above the level of the state license
32 being sought, as satisfying the minimum training and examination
33 requirements for such licensure.

34 (b) Member states shall expedite the processing of licensure
35 applications submitted by veterans, active military service members, and
36 members of the national guard and reserves separating from an active duty
37 tour, and their spouses.

38 (c) All individuals functioning with a privilege to practice under this
39 article remain subject to the adverse actions provisions of article 8.

40 ARTICLE 8

41 ADVERSE ACTIONS

42 (a) A home state shall have exclusive power to impose adverse action
43 against an individual's license issued by the home state.

1 (b) If an individual's license in any home state is restricted or
2 suspended, the individual shall not be eligible to practice in a remote state
3 under the privilege to practice until the individual's home state license is
4 restored.

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

9 (2) An individual currently subject to adverse action in the home state
10 shall not practice in any remote state without prior written authorization
11 from both the home state and remote state's EMS authority.

12 (c) A member state shall report adverse actions and any occurrences
13 that the individual's compact privileges are restricted, suspended or
14 revoked to the commission in accordance with the rules of the
15 commission.

16 (d) A remote state may take adverse action on an individual's
17 privilege to practice within that state.

18 (e) Any member state may take adverse action against an individual's
19 privilege to practice in that state based on the factual findings of another
20 member state, so long as each state follows its own procedures for
21 imposing such adverse action.

22 (f) A home state's EMS authority shall investigate and take
23 appropriate action with respect to reported conduct in a remote state as it
24 would if such conduct had occurred within the home state. In such cases,
25 the home state's law shall control in determining the appropriate adverse
26 action.

27 (g) Nothing in this compact shall override a member state's decision
28 that participation in an alternative program may be used in lieu of adverse
29 action and that such participation shall remain non-public if required by
30 the member state's laws. Member states must require individuals who enter
31 any alternative programs to agree not to practice in any other member state
32 during the term of the alternative program without prior authorization from
33 such other member state.

34 ARTICLE 9

35 ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS 36 AUTHORITY

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

39 (a) Issue subpoenas for both hearings and investigations that require
40 the attendance and testimony of witnesses and the production of evidence.
41 Subpoenas issued by a member state's EMS authority for the attendance
42 and testimony of witnesses or the production of evidence, or both, from
43 another member state, shall be enforced in the remote state by any court of

1 competent jurisdiction, according to that court's practice and procedure in
2 considering subpoenas issued in its own proceedings. The issuing state
3 EMS authority shall pay any witness fees, travel expenses, mileage and
4 other fees required by the service statutes of the state where the witnesses
5 or evidence, or both, are located; and

6 (b) issue cease and desist orders to restrict, suspend or revoke an
7 individual's privilege to practice in the state.

8 ARTICLE 10

9 ESTABLISHMENT OF THE INTERSTATE COMMISSION
10 FOR EMS PERSONNEL PRACTICE

11 (a) The compact states hereby create and establish a joint public
12 agency known as the interstate commission for EMS personnel practice.

13 (1) The commission is a body politic and an instrumentality of the
14 compact states.

15 (2) Venue is proper and judicial proceedings by or against the
16 commission shall be brought solely and exclusively in a court of
17 competent jurisdiction where the principal office of the commission is
18 located. The commission may waive venue and jurisdictional defenses to
19 the extent it adopts or consents to participate in alternative dispute
20 resolution proceedings.

21 (3) Nothing in this compact shall be construed to be a waiver of
22 sovereign immunity.

23 (b) Membership, Voting and Meetings

24 (1) Each member state shall have and be limited to one delegate. The
25 responsible official of the state EMS authority or such official's designee
26 shall be the delegate to this compact for each member state. Any delegate
27 may be removed or suspended from office as provided by the law of the
28 state from which the delegate is appointed. Any vacancy occurring in the
29 commission shall be filled in accordance with the laws of the member state
30 in which the vacancy exists. In the event that more than one board, office
31 or other agency with the legislative mandate to license EMS personnel at
32 and above the level of EMT exists, the governor of the state will determine
33 which entity will be responsible for assigning the delegate.

34 (2) Each delegate shall be entitled to one vote with regard to the
35 promulgation of rules and creation of bylaws and shall otherwise have an
36 opportunity to participate in the business and affairs of the commission. A
37 delegate shall vote in person or by such other means as provided in the
38 bylaws. The bylaws may provide for delegates' participation in meetings
39 by telephone or other means of communication.

40 (3) The commission shall meet at least once during each calendar
41 year. Additional meetings shall be held as set forth in the bylaws.

42 (4) All meetings shall be open to the public, and public notice of
43 meetings shall be given in the same manner as required under the

1 rulemaking provisions in article 12.

2 (5) The commission may convene in a closed, non-public meeting if
 3 the commission must discuss:

4 (A) Non-compliance of a member state with its obligations under the
 5 compact;

6 (B) the employment, compensation, discipline or other personnel
 7 matters, practices or procedures related to specific employees or other
 8 matters related to the commission's internal personnel practices and
 9 procedures;

10 (C) current, threatened or reasonably anticipated litigation;

11 (D) negotiation of contracts for the purchase or sale of goods,
 12 services or real estate;

13 (E) accusing any person of a crime or formally censuring any person;

14 (F) disclosure of trade secrets or commercial or financial information
 15 that is privileged or confidential;

16 (G) disclosure of information of a personal nature where disclosure
 17 would constitute a clearly unwarranted invasion of personal privacy;

18 (H) disclosure of investigatory records compiled for law enforcement
 19 purposes;

20 (I) disclosure of information related to any investigatory reports
 21 prepared by or on behalf of or for use of the commission or other
 22 committee charged with responsibility of investigation or determination of
 23 compliance issues pursuant to the compact; or

24 (J) matters specifically exempted from disclosure by federal or
 25 member state statute.

26 (6) If a meeting, or portion of a meeting, is closed pursuant to this
 27 provision, the commission's legal counsel or designee shall certify that the
 28 meeting may be closed and shall reference each relevant exempting
 29 provision. The commission shall keep minutes that fully and clearly
 30 describe all matters discussed in a meeting and shall provide a full and
 31 accurate summary of actions taken, and the reasons therefore, including a
 32 description of the views expressed. All documents considered in
 33 connection with an action shall be identified in such minutes. All minutes
 34 and documents of a closed meeting shall remain under seal, subject to
 35 release by a majority vote of the commission or order of a court of
 36 competent jurisdiction.

37 (c) The commission shall, by a majority vote of the delegates,
 38 prescribe bylaws or rules, or both, to govern its conduct as may be
 39 necessary or appropriate to carry out the purposes and exercise the powers
 40 of the compact, including, but not limited to:

41 (1) Establishing the fiscal year of the commission;

42 (2) providing reasonable standards and procedures:

43 (A) For the establishment and meetings of other committees; and

1 (B) governing any general or specific delegation of any authority or
2 function of the commission;

3 (3) providing reasonable procedures for calling and conducting
4 meetings of the commission, ensuring reasonable advance notice of all
5 meetings, and providing an opportunity for attendance of such meetings by
6 interested parties, with enumerated exceptions designed to protect the
7 public's interest, the privacy of individuals, and proprietary information,
8 including trade secrets. The commission may meet in closed session only
9 after a majority of the membership votes to close a meeting in whole or in
10 part. As soon as practicable, the commission must make public a copy of
11 the vote to close the meeting revealing the vote of each member with no
12 proxy votes allowed;

13 (4) establishing the titles, duties and authority, and reasonable
14 procedures for the election of the officers of the commission;

15 (5) providing reasonable standards and procedures for the
16 establishment of the personnel policies and programs of the commission.
17 Notwithstanding any civil service or other similar laws of any member
18 state, the bylaws shall exclusively govern the personnel policies and
19 programs of the commission;

20 (6) promulgating a code of ethics to address permissible and
21 prohibited activities of commission members and employees;

22 (7) providing a mechanism for winding up the operations of the
23 commission and the equitable disposition of any surplus funds that may
24 exist after the termination of the compact after the payment or reserving of
25 all of its debts and obligations.

26 (8) The commission shall publish its bylaws and file a copy thereof,
27 and a copy of any amendment thereto, with the appropriate agency or
28 officer in each of the member states, if any.

29 (9) The commission shall maintain its financial records in accordance
30 with the bylaws.

31 (10) The commission shall meet and take such actions as are
32 consistent with the provisions of this compact and the bylaws.

33 (d) The commission shall have the following powers:

34 (1) The authority to promulgate uniform rules to facilitate and
35 coordinate implementation and administration of this compact. The rules
36 shall have the force and effect of law and shall be binding in all member
37 states;

38 (2) to bring and prosecute legal proceedings or actions in the name of
39 the commission, provided that the standing of any state EMS authority or
40 other regulatory body responsible for EMS personnel licensure to sue or be
41 sued under applicable law shall not be affected;

42 (3) to purchase and maintain insurance and bonds;

43 (4) to borrow, accept or contract for services of personnel, including,

1 but not limited to, employees of a member state;

2 (5) to hire employees, elect or appoint officers, fix compensation,
3 define duties, grant such individuals appropriate authority to carry out the
4 purposes of the compact, and to establish the commission's personnel
5 policies and programs relating to conflicts of interest, qualifications of
6 personnel, and other related personnel matters;

7 (6) to accept any and all appropriate donations and grants of money,
8 equipment, supplies, materials and services, and to receive, utilize and
9 dispose of the same; provided that at all times the commission shall strive
10 to avoid any appearance of impropriety or conflict of interest;

11 (7) to lease, purchase, accept appropriate gifts or donations of, or
12 otherwise to own, hold, improve or use, any property, real, personal or
13 mixed; provided that at all times the commission shall strive to avoid any
14 appearance of impropriety;

15 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon or
16 otherwise dispose of any property, real, personal, or mixed;

17 (9) to establish a budget and make expenditures;

18 (10) to borrow money;

19 (11) to appoint committees, including advisory committees comprised
20 of members, state regulators, state legislators or their representatives, and
21 consumer representatives, and such other interested persons as may be
22 designated in this compact and the bylaws;

23 (12) to provide and receive information from, and to cooperate with,
24 law enforcement agencies;

25 (13) to adopt and use an official seal; and

26 (14) to perform such other functions as may be necessary or
27 appropriate to achieve the purposes of this compact consistent with the
28 state regulation of EMS personnel licensure and practice.

29 (e) Financing of the commission

30 (1) The commission shall pay, or provide for the payment of, the
31 reasonable expenses of its establishment, organization and ongoing
32 activities.

33 (2) The commission may accept any and all appropriate revenue
34 sources, donations and grants of money, equipment, supplies, materials
35 and services.

36 (3) The commission may levy on and collect an annual assessment
37 from each member state or impose fees on other parties to cover the cost
38 of the operations and activities of the commission and its staff, which must
39 be in a total amount sufficient to cover its annual budget as approved each
40 year for which revenue is not provided by other sources. The aggregate
41 annual assessment amount shall be allocated based upon a formula to be
42 determined by the commission, which shall promulgate a rule binding
43 upon all member states.

1 (4) The commission shall not incur obligations of any kind prior to
2 securing the funds adequate to meet the same; nor shall the commission
3 pledge the credit of any of the member states, except by and with the
4 authority of the member state.

5 (5) The commission shall keep accurate accounts of all receipts and
6 disbursements. The receipts and disbursements of the commission shall be
7 subject to the audit and accounting procedures established under its
8 bylaws. However, all receipts and disbursements of funds handled by the
9 commission shall be audited yearly by a certified or licensed public
10 accountant, and the report of the audit shall be included in and become
11 part of the annual report of the commission.

12 (f) Qualified Immunity, Defense and Indemnification

13 (1) The members, officers, executive director, employees and
14 representatives of the commission shall be immune from suit and liability,
15 either personally or in their official capacity, for any claim for damage to
16 or loss of property or personal injury or other civil liability caused by or
17 arising out of any actual or alleged act, error or omission that occurred, or
18 that the person against whom the claim is made had a reasonable basis for
19 believing occurred within the scope of commission employment, duties or
20 responsibilities; provided that nothing in this paragraph shall be construed
21 to protect any such person from suit or liability, or both, for any damage,
22 loss, injury or liability caused by the intentional or willful or wanton
23 misconduct of that person.

24 (2) The commission shall defend any member, officer, executive
25 director, employee or representative of the commission in any civil action
26 seeking to impose liability arising out of any actual or alleged act, error or
27 omission that occurred within the scope of commission employment,
28 duties or responsibilities, or that the person against whom the claim is
29 made had a reasonable basis for believing occurred within the scope of
30 commission employment, duties or responsibilities; provided that nothing
31 herein shall be construed to prohibit that person from retaining such
32 person's own counsel; and provided further, that the actual or alleged act,
33 error or omission did not result from that person's intentional or willful or
34 wanton misconduct.

35 (3) The commission shall indemnify and hold harmless any member,
36 officer, executive director, employee or representative of the commission
37 for the amount of any settlement or judgment obtained against that person
38 arising out of any actual or alleged act, error or omission that occurred
39 within the scope of commission employment, duties or responsibilities, or
40 that such person had a reasonable basis for believing occurred within the
41 scope of commission employment, duties or responsibilities, provided that
42 the actual or alleged act, error or omission did not result from the
43 intentional or willful or wanton misconduct of that person.

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ARTICLE 11
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 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.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

ARTICLE 12
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

1 special meeting of the commission.

2 (d) Prior to promulgation and adoption of a final rule or rules by the
3 commission, and at least 60 days in advance of the meeting at which the
4 rule will be considered and voted upon, the commission shall file a notice
5 of proposed rulemaking:

6 (1) On the website of the commission; and

7 (2) on the website of each member state EMS authority or the
8 publication in which each state would otherwise publish proposed rules.

9 (e) The notice of proposed rulemaking shall include:

10 (1) The proposed time, date and location of the meeting in which the
11 rule will be considered and voted upon;

12 (2) the text of the proposed rule or amendment and the reason for the
13 proposed rule;

14 (3) a request for comments on the proposed rule from any interested
15 person; and

16 (4) the manner in which interested persons may submit notice to the
17 commission of their intention to attend the public hearing and any written
18 comments.

19 (f) Prior to adoption of a proposed rule, the commission shall allow
20 persons to submit written data, facts, opinions and arguments, which shall
21 be made available to the public.

22 (g) The commission shall grant an opportunity for a public hearing
23 before it adopts a rule or amendment if a hearing is requested by:

24 (1) At least 25 persons;

25 (2) a governmental subdivision or agency; or

26 (3) an association having at least 25 members.

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

30 (1) All persons wishing to be heard at the hearing shall notify the
31 executive director of the commission or other designated member in
32 writing of their desire to appear and testify at the hearing not less than five
33 business days before the scheduled date of the hearing.

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

37 (3) No transcript of the hearing is required, unless a written request
38 for a transcript is made, in which case the person requesting the transcript
39 shall bear the cost of producing the transcript. A recording may be made in
40 lieu of a transcript under the same terms and conditions as a transcript.
41 This subsection shall not preclude the commission from making a
42 transcript or recording of the hearing if it so chooses.

43 (4) Nothing in this article shall be construed as requiring a separate

1 hearing on each rule. Rules may be grouped for the convenience of the
 2 commission at hearings required by this article.

3 (i) Following the scheduled hearing date, or by the close of business
 4 on the scheduled hearing date if the hearing was not held, the commission
 5 shall consider all written and oral comments received.

6 (j) The commission shall, by majority vote of all members, take final
 7 action on the proposed rule and shall determine the effective date of the
 8 rule, if any, based on the rulemaking record and the full text of the rule.

9 (k) If no written notice of intent to attend the public hearing by
 10 interested parties is received, the commission may proceed with
 11 promulgation of the proposed rule without a public hearing.

12 (l) Upon determination that an emergency exists, the commission
 13 may consider and adopt an emergency rule without prior notice,
 14 opportunity for comment, or hearing, provided that the usual rulemaking
 15 procedures provided in the compact and in this article shall be
 16 retroactively applied to the rule as soon as reasonably possible, in no event
 17 later than 90 days after the effective date of the rule. For the purposes of
 18 this provision, an emergency rule is one that must be adopted immediately
 19 in order to:

20 (1) Meet an imminent threat to public health, safety or welfare;

21 (2) prevent a loss of commission or member state funds;

22 (3) meet a deadline for the promulgation of an administrative rule that
 23 is established by federal law or rule; or

24 (4) protect public health and safety.

25 (m) The commission or an authorized committee of the commission
 26 may direct revisions to a previously adopted rule or amendment for
 27 purposes of correcting typographical errors, errors in format, errors in
 28 consistency, or grammatical errors. Public notice of any revisions shall be
 29 posted on the website of the commission. The revision shall be subject to
 30 challenge by any person for a period of 30 days after posting. The revision
 31 may be challenged only on grounds that the revision results in a material
 32 change to a rule. A challenge shall be made in writing, and delivered to the
 33 chair of the commission prior to the end of the notice period. If no
 34 challenge is made, the revision will take effect without further action. If
 35 the revision is challenged, the revision may not take effect without the
 36 approval of the commission.

37 ARTICLE 13

38 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

39 (a) Oversight

40 (1) The executive, legislative and judicial branches of state
 41 government in each member state shall enforce this compact and take all
 42 actions necessary and appropriate to effectuate the compact's purposes and
 43 intent. The provisions of this compact and the rules promulgated hereunder

1 shall have standing as statutory law.

2 (2) All courts shall take judicial notice of the compact and the rules in
3 any judicial or administrative proceeding in a member state pertaining to
4 the subject matter of this compact which may affect the powers,
5 responsibilities or actions of the commission.

6 (3) The commission shall be entitled to receive service of process in
7 any such proceeding, and shall have standing to intervene in such a
8 proceeding for all purposes. Failure to provide service of process to the
9 commission shall render a judgment or order void as to the commission,
10 this compact, or promulgated rules.

11 (b) Default, Technical Assistance, and Termination

12 (1) If the commission determines that a member state has defaulted in
13 the performance of its obligations or responsibilities under this compact or
14 the promulgated rules, the commission shall:

15 (A) Provide written notice to the defaulting state and other member
16 states of the nature of the default, the proposed means of curing the default
17 and any other action, if any, to be taken by the commission; and

18 (B) provide remedial training and specific technical assistance
19 regarding the default.

20 (2) If a state in default fails to cure the default, the defaulting state
21 may be terminated from the compact upon an affirmative vote of a
22 majority of the member states, and all rights, privileges and benefits
23 conferred by this compact may be terminated on the effective date of
24 termination. A cure of the default does not relieve the offending state of
25 obligations or liabilities incurred during the period of default.

26 (3) Termination of membership in the compact shall be imposed only
27 after all other means of securing compliance have been exhausted. Notice
28 of intent to suspend or terminate shall be given by the commission to the
29 governor, the majority and minority leaders of the defaulting state's
30 legislature, and each of the member states.

31 (4) A state that has been terminated is responsible for all assessments,
32 obligations and liabilities incurred through the effective date of
33 termination, including obligations that extend beyond the effective date of
34 termination.

35 (5) The commission shall not bear any costs related to a state that is
36 found to be in default or that has been terminated from the compact, unless
37 agreed upon in writing between the commission and the defaulting state.

38 (6) The defaulting state may appeal the action of the commission by
39 petitioning the U.S. district court for the District of Columbia or the
40 federal district where the commission has its principal offices. The
41 prevailing member shall be awarded all costs of such litigation, including
42 reasonable attorney fees.

43 (c) Dispute Resolution

1 (1) Upon request by a member state, the commission shall attempt to
2 resolve disputes related to the compact that arise among member states and
3 between member and non-member states.

4 (2) The commission shall promulgate a rule providing for both
5 mediation and binding dispute resolution for disputes as appropriate.

6 (d) Enforcement

7 (1) The commission, in the reasonable exercise of its discretion, shall
8 enforce the provisions and rules of this compact.

9 (2) By majority vote, the commission may initiate legal action in the
10 United States district court for the District of Columbia or the federal
11 district where the commission has its principal offices against a member
12 state in default to enforce compliance with the provisions of the compact
13 and its promulgated rules and bylaws. The relief sought may include both
14 injunctive relief and damages. In the event judicial enforcement is
15 necessary, the prevailing member shall be awarded all costs of such
16 litigation, including reasonable attorney fees.

17 (3) The remedies herein shall not be the exclusive remedies of the
18 commission. The commission may pursue any other remedies available
19 under federal or state law.

20 ARTICLE 14

21 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION 22 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, 23 WITHDRAWAL, AND AMENDMENT

24 (a) The compact shall come into effect on the date on which the
25 compact statute is enacted into law in the tenth member state. The
26 provisions, which become effective at that time, shall be limited to the
27 powers granted to the commission relating to assembly and the
28 promulgation of rules. Thereafter, the commission shall meet and exercise
29 rulemaking powers necessary to the implementation and administration of
30 the compact.

31 (b) Any state that joins the compact subsequent to the commission's
32 initial adoption of the rules shall be subject to the rules as they exist on the
33 date on which the compact becomes law in that state. Any rule that has
34 been previously adopted by the commission shall have the full force and
35 effect of law on the day the compact becomes law in that state.

36 (c) Any member state may withdraw from this compact by enacting a
37 statute repealing the same.

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

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

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

5 (e) This compact may be amended by the member states. No
6 amendment to this compact shall become effective and binding upon any
7 member state until it is enacted into the laws of all member states.

8 ARTICLE 15

9 CONSTRUCTION AND SEVERABILITY

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

15 Sec. 2. This act shall take effect and be in force from and after its
16 publication in the statute book.