

By: Martinez

H.B. No. 2497

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a compact with other states regarding the licensure of
3 emergency medical services personnel and the authority of those
4 personnel to perform job duties in this state and other states.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle B, Title 9, Health and Safety Code, is
7 amended by adding Chapter 778A to read as follows:

8 CHAPTER 778A. RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL
9 LICENSURE INTERSTATE COMPACT ("REPLICA")

10 Sec. 778A.001. EXECUTION OF INTERSTATE COMPACT. This
11 state enacts the EMS Personnel Licensure Interstate Compact and
12 enters into the compact with all other states legally joining in the
13 compact in substantially the following form:

14 EMS PERSONNEL LICENSURE INTERSTATE COMPACT.

15 Section 1. PURPOSE. In order to protect the public through
16 verification of competency and ensure accountability for patient
17 care related activities all states license emergency medical
18 services (EMS) personnel, such as emergency medical technicians
19 (EMTs), advanced EMTs and paramedics. This compact is intended to
20 facilitate the day to day movement of EMS personnel across state
21 boundaries in the performance of their EMS duties as assigned by an
22 appropriate authority and authorize state EMS offices to afford
23 immediate legal recognition to EMS personnel licensed in a member
24 state. This compact recognizes that states have a vested interest

1 in protecting the public's health and safety through their
2 licensing and regulation of EMS personnel and that such state
3 regulation shared among the member states will best protect public
4 health and safety. This compact is designed to achieve the
5 following purposes and objectives:

6 1. increase public access to EMS personnel;

7 2. enhance the states' ability to protect the public's
8 health and safety, especially patient safety;

9 3. encourage the cooperation of member states in the areas
10 of EMS personnel licensure and regulation;

11 4. support licensing of military members who are separating
12 from an active duty tour and their spouses;

13 5. facilitate the exchange of information between member
14 states regarding EMS personnel licensure, adverse action and
15 significant investigatory information;

16 6. promote compliance with the laws governing EMS personnel
17 practice in each member state; and

18 7. invest all member states with the authority to hold EMS
19 personnel accountable through the mutual recognition of member
20 state licenses.

21 Section 2. DEFINITIONS. In this compact:

22 A. "Advanced emergency medical technician (AEMT)" means: an
23 individual licensed with cognitive knowledge and a scope of
24 practice that corresponds to that level in the National EMS
25 Education Standards and National EMS Scope of Practice Model.

26 B. "Adverse action" means: any administrative, civil,
27 equitable or criminal action permitted by a state's laws which may

1 be imposed against licensed EMS personnel by a state EMS authority
2 or state court, including, but not limited to, actions against an
3 individual's license such as revocation, suspension, probation,
4 consent agreement, monitoring or other limitation or encumbrance on
5 the individual's practice, letters of reprimand or admonition,
6 finances, criminal convictions and state court judgments enforcing
7 adverse actions by the state EMS authority.

8 C. "Alternative program" means: a voluntary,
9 non-disciplinary substance abuse recovery program approved by a
10 state EMS authority.

11 D. "Certification" means: the successful verification of
12 entry-level cognitive and psychomotor competency using a reliable,
13 validated, and legally defensible examination.

14 E. "Commission" means: the national administrative body of
15 which all states that have enacted the compact are members.

16 F. "Emergency medical technician (EMT)" means: an
17 individual licensed with cognitive knowledge and a scope of
18 practice that corresponds to that level in the National EMS
19 Education Standards and National EMS Scope of Practice Model.

20 G. "Home state" means: a member state where an individual is
21 licensed to practice emergency medical services.

22 H. "License" means: the authorization by a state for an
23 individual to practice as an EMT, AEMT, paramedic, or a level in
24 between EMT and paramedic.

25 I. "Medical director" means: a physician licensed in a
26 member state who is accountable for the care delivered by EMS
27 personnel.

1 J. "Member state" means: a state that has enacted this
2 compact.

3 K. "Privilege to practice" means: an individual's authority
4 to deliver emergency medical services in remote states as
5 authorized under this compact.

6 L. "Paramedic" means: an individual licensed with cognitive
7 knowledge and a scope of practice that corresponds to that level in
8 the National EMS Education Standards and National EMS Scope of
9 Practice Model.

10 M. "Remote state" means: a member state in which an
11 individual is not licensed.

12 N. "Restricted" means: the outcome of an adverse action that
13 limits a license or the privilege to practice.

14 O. "Rule" means: a written statement by the interstate
15 commission promulgated pursuant to Section 12 of this compact that
16 is of general applicability; implements, interprets, or prescribes
17 a policy or provision of the compact; or is an organizational,
18 procedural, or practice requirement of the commission and has the
19 force and effect of statutory law in a member state and includes the
20 amendment, repeal, or suspension of an existing rule.

21 P. "Scope of practice" means: defined parameters of various
22 duties or services that may be provided by an individual with
23 specific credentials. Whether regulated by rule, statute, or court
24 decision, it tends to represent the limits of services an
25 individual may perform.

26 Q. "Significant investigatory information" means:

27 1. investigative information that a state EMS

1 authority, after a preliminary inquiry that includes notification
2 and an opportunity to respond if required by state law, has reason
3 to believe, if proved true, would result in the imposition of an
4 adverse action on a license or privilege to practice; or

5 2. investigative information that indicates that the
6 individual represents an immediate threat to public health and
7 safety regardless of whether the individual has been notified and
8 had an opportunity to respond.

9 R. "State" means: any state, commonwealth, district, or
10 territory of the United States.

11 S. "State EMS authority" means: the board, office, or other
12 agency with the legislative mandate to license EMS personnel.

13 Section 3. HOME STATE LICENSURE. A. Any member state in
14 which an individual holds a current license shall be deemed a home
15 state for purposes of this compact.

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

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

23 1. currently requires the use of the National Registry
24 of Emergency Medical Technicians (NREMT) examination as a condition
25 of issuing initial licenses at the EMT and paramedic levels;

26 2. has a mechanism in place for receiving and
27 investigating complaints about individuals;

1 3. notifies the commission, in compliance with the
2 terms herein, of any adverse action or significant investigatory
3 information regarding an individual;

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

12 5. complies with the rules of the commission.

13 Section 4. COMPACT PRIVILEGE TO PRACTICE. A. Member states
14 shall recognize the privilege to practice of an individual licensed
15 in another member state that is in conformance with Section 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
20 state as an EMT, AEMT, paramedic, or state recognized and licensed
21 level with a scope of practice and authority between EMT and
22 paramedic; and

23 3. practice under the supervision of a medical
24 director.

25 C. An individual providing patient care in a remote state
26 under the privilege to practice shall function within the scope of
27 practice authorized by the home state unless and until modified by

1 an appropriate authority in the remote state as may be defined in
2 the rules of the commission.

3 D. Except as provided in Section 4.C. of this compact, an
4 individual practicing in a remote state will be subject to the
5 remote state's authority and laws. A remote state may, in
6 accordance with due process and that state's laws, restrict,
7 suspend, or revoke an individual's privilege to practice in the
8 remote state and may take any other necessary actions to protect the
9 health and safety of its citizens. If a remote state takes action it
10 shall promptly notify the home state and the commission.

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

15 F. If an individual's privilege to practice in any remote
16 state is restricted, suspended, or revoked the individual shall not
17 be eligible to practice in any remote state until the individual's
18 privilege to practice is restored.

19 Section 5. CONDITIONS OF PRACTICE IN A REMOTE STATE. An
20 individual may practice in a remote state under a privilege to
21 practice only in the performance of the individual's EMS duties as
22 assigned by an appropriate authority, as defined in the rules of the
23 commission, and under the following circumstances:

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

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

1 the patient to the home state;

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

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

6 5. other conditions as determined by rules promulgated by
7 the commission.

8 Section 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
9 COMPACT. Upon a member state's governor's declaration of a state of
10 emergency or disaster that activates the Emergency Management
11 Assistance Compact (EMAC), all relevant terms and provisions of
12 EMAC shall apply and to the extent any terms or provisions of this
13 compact conflicts with EMAC, the terms of EMAC shall prevail with
14 respect to any individual practicing in the remote state in
15 response to such declaration.

16 Section 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE
17 DUTY MILITARY, AND THEIR SPOUSES. A. Member states shall consider
18 a veteran, active military service member, and member of the
19 National Guard and Reserves separating from an active duty tour,
20 and a spouse thereof, who holds a current valid and unrestricted
21 NREMT certification at or above the level of the state license being
22 sought as satisfying the minimum training and examination
23 requirements for such licensure.

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

1 C. All individuals functioning with a privilege to practice
2 under this section remain subject to the adverse actions provisions
3 of Section 8 of this compact.

4 Section 8. ADVERSE ACTIONS. A. A home state shall have
5 exclusive power to impose adverse action against an individual's
6 license issued by the home state.

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

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

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

20 C. A member state shall report adverse actions and any
21 occurrences that the individual's compact privileges are
22 restricted, suspended, or revoked to the commission in accordance
23 with the rules of the commission.

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

26 E. Any member state may take adverse action against an
27 individual's privilege to practice in that state based on the

1 factual findings of another member state, so long as each state
2 follows its own procedures for imposing such adverse action.

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

8 G. Nothing in this compact shall override a member state's
9 decision that participation in an alternative program may be used
10 in lieu of adverse action and that such participation shall remain
11 non-public if required by the member state's laws. Member states
12 must require individuals who enter any alternative programs to
13 agree not to practice in any other member state during the term of
14 the alternative program without prior authorization from such other
15 member state.

16 Section 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S
17 EMS AUTHORITY. A member state's EMS authority, in addition to any
18 other powers granted under state law, is authorized under this
19 compact to:

20 1. issue subpoenas for both hearings and investigations
21 that require the attendance and testimony of witnesses and the
22 production of evidence; subpoenas issued by a member state's EMS
23 authority for the attendance and testimony of witnesses, and/or the
24 production of evidence from another member state, shall be enforced
25 in the remote state by any court of competent jurisdiction,
26 according to that court's practice and procedure in considering
27 subpoenas issued in its own proceedings; the issuing state EMS

1 authority shall pay any witness fees, travel expenses, mileage, and
2 other fees required by the service statutes of the state where the
3 witnesses and/or evidence are located; and

4 2. issue cease and desist orders to restrict, suspend, or
5 revoke an individual's privilege to practice in the state.

6 Section 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR
7 EMS PERSONNEL PRACTICE. A. The compact states hereby create and
8 establish a joint public agency known as the Interstate Commission
9 for EMS Personnel Practice.

10 1. The commission is a body politic and an
11 instrumentality of the compact states.

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

18 3. Nothing in this compact shall be construed to be a
19 waiver of sovereign immunity.

20 B. Membership, Voting, and Meetings. 1. Each member state
21 shall have and be limited to one delegate. The responsible official
22 of the state EMS authority or his designee shall be the delegate to
23 this compact for each member state. Any delegate may be removed or
24 suspended from office as provided by the law of the state from which
25 the delegate is appointed. Any vacancy occurring in the commission
26 shall be filled in accordance with the laws of the member state in
27 which the vacancy exists. In the event that more than one board,

1 office, or other agency with the legislative mandate to license EMS
2 personnel at and above the level of EMT exists, the governor of the
3 state will determine which entity will be responsible for assigning
4 the delegate.

5 2. Each delegate shall be entitled to one vote with
6 regard to the promulgation of rules and creation of bylaws and shall
7 otherwise have an opportunity to participate in the business and
8 affairs of the commission. A delegate shall vote in person or by
9 such other means as provided in the bylaws. The bylaws may provide
10 for delegates' participation in meetings by telephone or other
11 means of communication.

12 3. The commission shall meet at least once during each
13 calendar year. Additional meetings shall be held as set forth in the
14 bylaws.

15 4. All meetings shall be open to the public, and public
16 notice of meetings shall be given in the same manner as required
17 under the rulemaking provisions in Section 12 of this compact.

18 5. The commission may convene in a closed, non-public
19 meeting if the commission must discuss:

20 a. non-compliance of a member state with its
21 obligations under the compact;

22 b. the employment, compensation, discipline or
23 other personnel matters, practices or procedures related to
24 specific employees or other matters related to the commission's
25 internal personnel practices and procedures;

26 c. current, threatened, or reasonably
27 anticipated litigation;

1 d. negotiation of contracts for the purchase or
2 sale of goods, services, or real estate;

3 e. accusing any person of a crime or formally
4 censuring any person;

5 f. disclosure of trade secrets or commercial or
6 financial information that is privileged or confidential;

7 g. disclosure of information of a personal nature
8 where disclosure would constitute a clearly unwarranted invasion of
9 personal privacy;

10 h. disclosure of investigatory records compiled
11 for law enforcement purposes;

12 i. disclosure of information related to any
13 investigatory reports prepared by or on behalf of or for use of the
14 commission or other committee charged with responsibility of
15 investigation or determination of compliance issues pursuant to the
16 compact; or

17 j. matters specifically exempted from disclosure
18 by federal or member state statute.

19 6. If a meeting, or portion of a meeting, is closed
20 pursuant to this section, the commission's legal counsel or
21 designee shall certify that the meeting may be closed and shall
22 reference each relevant exempting provision. The commission shall
23 keep minutes that fully and clearly describe all matters discussed
24 in a meeting and shall provide a full and accurate summary of
25 actions taken, and the reasons therefore, including a description
26 of the views expressed. All documents considered in connection with
27 an action shall be identified in such minutes. All minutes and

1 documents of a closed meeting shall remain under seal, subject to
2 release by a majority vote of the commission or order of a court of
3 competent jurisdiction.

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

8 1. establishing the fiscal year of the commission;

9 2. providing reasonable standards and procedures:

10 a. for the establishment and meetings of other
11 committees; and

12 b. governing any general or specific delegation
13 of any authority or function of the commission;

14 3. providing reasonable procedures for calling and
15 conducting meetings of the commission, ensuring reasonable advance
16 notice of all meetings, and providing an opportunity for attendance
17 of such meetings by interested parties, with enumerated exceptions
18 designed to protect the public's interest, the privacy of
19 individuals, and proprietary information, including trade secrets.
20 The commission may meet in closed session only after a majority of
21 the membership votes to close a meeting in whole or in part. As soon
22 as practicable, the commission must make public a copy of the vote
23 to close the meeting revealing the vote of each member with no proxy
24 votes allowed;

25 4. establishing the titles, duties and authority, and
26 reasonable procedures for the election of the officers of the
27 commission;

1 5. providing reasonable standards and procedures for
2 the establishment of the personnel policies and programs of the
3 commission; notwithstanding any civil service or other similar laws
4 of any member state, the bylaws shall exclusively govern the
5 personnel policies and programs of the commission;

6 6. promulgating a code of ethics to address
7 permissible and prohibited activities of commission members and
8 employees;

9 7. providing a mechanism for winding up the operations
10 of the commission and the equitable disposition of any surplus
11 funds that may exist after the termination of the compact after the
12 payment and/or reserving of all of its debts and obligations;

13 8. the commission shall publish its bylaws and file a
14 copy thereof, and a copy of any amendment thereto, with the
15 appropriate agency or officer in each of the member states, if any;

16 9. the commission shall maintain its financial records
17 in accordance with the bylaws; and

18 10. the commission shall meet and take such actions as
19 are consistent with the provisions of this compact and the bylaws.

20 D. The commission shall have the following powers:

21 1. the authority to promulgate uniform rules to
22 facilitate and coordinate implementation and administration of
23 this compact; the rules shall have the force and effect of law and
24 shall be binding in all member states;

25 2. to bring and prosecute legal proceedings or actions
26 in the name of the commission, provided that the standing of any
27 state EMS authority or other regulatory body responsible for EMS

1 personnel licensure to sue or be sued under applicable law shall not
2 be affected;

3 3. to purchase and maintain insurance and bonds;

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

7 5. to hire employees, elect or appoint officers, fix
8 compensation, define duties, grant such individuals appropriate
9 authority to carry out the purposes of the compact, and to establish
10 the commission's personnel policies and programs relating to
11 conflicts of interest, qualifications of personnel, and other
12 related personnel matters;

13 6. to accept any and all appropriate donations and
14 grants of money, equipment, supplies, materials and services, and
15 to receive, utilize and dispose of the same; provided that at all
16 times the commission shall strive to avoid any appearance of
17 impropriety and/or conflict of interest;

18 7. to lease, purchase, accept appropriate gifts or
19 donations of, or otherwise to own, hold, improve or use, any
20 property, real, personal or mixed; provided that at all times the
21 commission shall strive to avoid any appearance of impropriety;

22 8. to sell convey, mortgage, pledge, lease, exchange,
23 abandon, or otherwise dispose of any property real, personal, or
24 mixed;

25 9. to establish a budget and make expenditures;

26 10. to borrow money;

27 11. to appoint committees, including advisory

1 committees comprised of members, state regulators, state
2 legislators or their representatives, and consumer
3 representatives, and such other interested persons as may be
4 designated in this compact and the bylaws;

5 12. to provide and receive information from, and to
6 cooperate with, law enforcement agencies;

7 13. to adopt and use an official seal; and

8 14. to perform such other functions as may be
9 necessary or appropriate to achieve the purposes of this compact
10 consistent with the state regulation of EMS personnel licensure and
11 practice.

12 E. Financing of the Commission. 1. The commission shall
13 pay, or provide for the payment of, the reasonable expenses of its
14 establishment, organization, and ongoing activities.

15 2. The commission may accept any and all appropriate
16 revenue sources, donations, and grants of money, equipment,
17 supplies, materials, and services.

18 3. The commission may levy on and collect an annual
19 assessment from each member state or impose fees on other parties to
20 cover the cost of the operations and activities of the commission
21 and its staff, which must be in a total amount sufficient to cover
22 its annual budget as approved each year for which revenue is not
23 provided by other sources. The aggregate annual assessment amount
24 shall be allocated based upon a formula to be determined by the
25 commission, which shall promulgate a rule binding upon all member
26 states.

27 4. The commission shall not incur obligations of any

1 kind prior to securing the funds adequate to meet the same; nor
2 shall the commission pledge the credit of any of the member states,
3 except by and with the authority of the member state.

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

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

25 2. The commission shall defend any member, officer,
26 executive director, employee or representative of the commission in
27 any civil action seeking to impose liability arising out of any

1 actual or alleged act, error, or omission that occurred within the
2 scope of commission employment, duties, or responsibilities, or
3 that the person against whom the claim is made had a reasonable
4 basis for believing occurred within the scope of commission
5 employment, duties, or responsibilities; provided that nothing
6 herein shall be construed to prohibit that person from retaining
7 his or her own counsel; and provided further, that the actual or
8 alleged act, error, or omission did not result from that person's
9 intentional or willful or wanton misconduct.

10 3. The commission shall indemnify and hold harmless
11 any member, officer, executive director, employee, or
12 representative of the commission for the amount of any settlement
13 or judgment obtained against that person arising out of any actual
14 or alleged act, error or omission that occurred within the scope of
15 commission employment, duties, or responsibilities, or that such
16 person had a reasonable basis for believing occurred within the
17 scope of commission employment, duties, or responsibilities,
18 provided that the actual or alleged act, error, or omission did not
19 result from the intentional or willful or wanton misconduct of that
20 person.

21 Section 11. COORDINATED DATABASE. A. The commission shall
22 provide for the development and maintenance of a coordinated
23 database and reporting system containing licensure, adverse
24 action, and significant investigatory information on all licensed
25 individuals in member states.

26 B. Notwithstanding any other provision of state law to the
27 contrary, a member state shall submit a uniform data set to the

1 coordinated database on all individuals to whom this compact is
2 applicable as required by the rules of the commission, including:

- 3 1. identifying information;
- 4 2. licensure data;
- 5 3. significant investigatory information;
- 6 4. adverse actions against an individual's license;
- 7 5. an indicator that an individual's privilege to
8 practice is restricted, suspended or revoked;
- 9 6. non-confidential information related to
10 alternative program participation;
- 11 7. any denial of application for licensure, and the
12 reason or reasons for such denial; and
- 13 8. other information that may facilitate the
14 administration of this compact, as determined by the rules of the
15 commission.

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

20 D. Member states contributing information to the
21 coordinated database may designate information that may not be
22 shared with the public without the express permission of the
23 contributing state.

24 E. Any information submitted to the coordinated database
25 that is subsequently required to be expunged by the laws of the
26 member state contributing the information shall be removed from the
27 coordinated database.

1 Section 12. RULEMAKING. A. The commission shall exercise
2 its rulemaking powers pursuant to the criteria set forth in this
3 section and the rules adopted thereunder. Rules and amendments
4 shall become binding as of the date specified in each rule or
5 amendment.

6 B. If a majority of the legislatures of the member states
7 rejects a rule, by enactment of a statute or resolution in the same
8 manner used to adopt the compact, then such rule shall have no
9 further force and effect in any member state.

10 C. Rules or amendments to the rules shall be adopted at a
11 regular or special meeting of the commission.

12 D. Prior to promulgation and adoption of a final rule or
13 rules by the commission, and at least 60 days in advance of the
14 meeting at which the rule will be considered and voted upon, the
15 commission shall file a notice of proposed rulemaking:

16 1. on the website of the commission; and
17 2. on the website of each member state EMS authority or
18 the publication in which each state would otherwise publish
19 proposed rules.

20 E. The notice of proposed rulemaking shall include:

21 1. the proposed time, date, and location of the
22 meeting in which the rule will be considered and voted upon;

23 2. the text of the proposed rule or amendment and the
24 reason for the proposed rule;

25 3. a request for comments on the proposed rule from any
26 interested person; and

27 4. the manner in which interested persons may submit

1 notice to the commission of their intention to attend the public
2 hearing and any written comments.

3 F. Prior to adoption of a proposed rule, the commission
4 shall allow persons to submit written data, facts, opinions, and
5 arguments, which shall be made available to the public.

6 G. The commission shall grant an opportunity for a public
7 hearing before it adopts a rule or amendment if a hearing is
8 requested by:

- 9 1. at least 25 persons;
- 10 2. a governmental subdivision or agency; or
- 11 3. an association having at least 25 members.

12 H. If a hearing is held on the proposed rule or amendment,
13 the commission shall publish the place, time, and date of the
14 scheduled public hearing.

15 1. All persons wishing to be heard at the hearing shall
16 notify the executive director of the commission or other designated
17 member in writing of their desire to appear and testify at the
18 hearing not less than 5 business days before the scheduled date of
19 the hearing.

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

23 3. No transcript of the hearing is required, unless a
24 written request for a transcript is made, in which case the person
25 requesting the transcript shall bear the cost of producing the
26 transcript. A recording may be made in lieu of a transcript under
27 the same terms and conditions as a transcript. This subsection

1 shall not preclude the commission from making a transcript or
2 recording of the hearing if it so chooses.

3 4. Nothing in this section shall be construed as
4 requiring a separate hearing on each rule. Rules may be grouped for
5 the convenience of the commission at hearings required by this
6 section.

7 I. Following the scheduled hearing date, or by the close of
8 business on the scheduled hearing date if the hearing was not held,
9 the commission shall consider all written and oral comments
10 received.

11 J. The commission shall, by majority vote of all members,
12 take final action on the proposed rule and shall determine the
13 effective date of the rule, if any, based on the rulemaking record
14 and the full text of the rule.

15 K. If no written notice of intent to attend the public
16 hearing by interested parties is received, the commission may
17 proceed with promulgation of the proposed rule without a public
18 hearing.

19 L. Upon determination that an emergency exists, the
20 commission may consider and adopt an emergency rule without prior
21 notice, opportunity for comment, or hearing, provided that the
22 usual rulemaking procedures provided in the compact and in this
23 section shall be retroactively applied to the rule as soon as
24 reasonably possible, in no event later than 90 days after the
25 effective date of the rule. For the purposes of this provision, an
26 emergency rule is one that must be adopted immediately in order to:

27 1. meet an imminent threat to public health, safety,

1 or welfare;

2 2. prevent a loss of commission or member state funds;

3 3. meet a deadline for the promulgation of an
4 administrative rule that is established by federal law or rule; or

5 4. protect public health and safety.

6 M. The commission or an authorized committee of the
7 commission may direct revisions to a previously adopted rule or
8 amendment for purposes of correcting typographical errors, errors
9 in format, errors in consistency, or grammatical errors. Public
10 notice of any revisions shall be posted on the website of the
11 commission. The revision shall be subject to challenge by any
12 person for a period of 30 days after posting. The revision may be
13 challenged only on grounds that the revision results in a material
14 change to a rule. A challenge shall be made in writing, and
15 delivered to the chair of the commission prior to the end of the
16 notice period. If no challenge is made, the revision will take
17 effect without further action. If the revision is challenged, the
18 revision may not take effect without the approval of the
19 commission.

20 Section 13. OVERSIGHT, DISPUTE RESOLUTION, AND
21 ENFORCEMENT. A. Oversight.

22 1. The executive, legislative, and judicial branches
23 of state government in each member state shall enforce this compact
24 and take all actions necessary and appropriate to effectuate the
25 compact's purposes and intent. The provisions of this compact and
26 the rules promulgated hereunder shall have standing as statutory
27 law.

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

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

12 B. Default, Technical Assistance, and Termination. 1. If
13 the commission determines that a member state has defaulted in the
14 performance of its obligations or responsibilities under this
15 compact or the promulgated rules, the commission shall:

16 a. provide written notice to the defaulting state
17 and other member states of the nature of the default, the proposed
18 means of curing the default and/or any other action to be taken by
19 the commission; and

20 b. provide remedial training and specific
21 technical assistance regarding the default.

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

1 during the period of default.

2 3. Termination of membership in the compact shall be
3 imposed only after all other means of securing compliance have been
4 exhausted. Notice of intent to suspend or terminate shall be given
5 by the commission to the governor, the majority and minority
6 leaders of the defaulting state's legislature, and each of the
7 member states.

8 4. A state that has been terminated is responsible for
9 all assessments, obligations, and liabilities incurred through the
10 effective date of termination, including obligations that extend
11 beyond the effective date of termination.

12 5. The commission shall not bear any costs related to a
13 state that is found to be in default or that has been terminated
14 from the compact, unless agreed upon in writing between the
15 commission and the defaulting state.

16 6. The defaulting state may appeal the action of the
17 commission by petitioning the U.S. District Court for the District
18 of Columbia or the federal district where the commission has its
19 principal offices. The prevailing member shall be awarded all costs
20 of such litigation, including reasonable attorney's fees.

21 C. Dispute Resolution. 1. Upon request by a member state,
22 the commission shall attempt to resolve disputes related to the
23 compact that arise among member states and between member and
24 non-member states.

25 2. The commission shall promulgate a rule providing
26 for both mediation and binding dispute resolution for disputes as
27 appropriate.

1 D. Enforcement. 1. The commission, in the reasonable
2 exercise of its discretion, shall enforce the provisions and rules
3 of this compact.

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

13 3. The remedies herein shall not be the exclusive
14 remedies of the commission. The commission may pursue any other
15 remedies available under federal or state law.

16 Section 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
17 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,
18 WITHDRAWAL, AND AMENDMENT. A. The compact shall come into effect
19 on the date on which the compact statute is enacted into law in the
20 tenth member state. The provisions, which become effective at that
21 time, shall be limited to the powers granted to the commission
22 relating to assembly and the promulgation of rules. Thereafter, the
23 commission shall meet and exercise rulemaking powers necessary to
24 the implementation and administration of the compact.

25 B. Any state that joins the compact subsequent to the
26 commission's initial adoption of the rules shall be subject to the
27 rules as they exist on the date on which the compact becomes law in

1 that state. Any rule that has been previously adopted by the
2 commission shall have the full force and effect of law on the day
3 the compact becomes law in that state.

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

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

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

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

17 E. This compact may be amended by the member states. No
18 amendment to this compact shall become effective and binding upon
19 any member state until it is enacted into the laws of all member
20 states.

21 Section 15. CONSTRUCTION AND SEVERABILITY. This compact
22 shall be liberally construed so as to effectuate the purposes
23 thereof. If this compact shall be held contrary to the constitution
24 of any state member thereto, the compact shall remain in full force
25 and effect as to the remaining member states. Nothing in this
26 compact supersedes state law or rules related to licensure of EMS
27 agencies.

1 SECTION 2. This Act takes effect September 1, 2015.