

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1246

(SENATE AUTHORS: SCHOEN)

DATE	D-PG	OFFICIAL STATUS
02/22/2017	695	Introduction and first reading Referred to Health and Human Services Finance and Policy

1.1A bill for an act

1.2relating to health occupations; providing an interstate compact for the recognition

1.3of emergency medical services personnel licensure; proposing coding for new law

1.4in Minnesota Statutes, chapter 144E.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. [144E.55] EMERGENCY MEDICAL SERVICES PERSONNEL

1.7LICENSURE INTERSTATE COMPACT.

1.8SECTION 1. PURPOSE

1.9In order to protect the public through verification of competency and ensure accountability

1.10for patient care related activities all states license emergency medical services (EMS)

1.11personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics.

1.12This compact is intended to facilitate the day to day movement of EMS personnel across

1.13state boundaries in the performance of their EMS duties as assigned by an appropriate

1.14authority and authorize state EMS offices to afford immediate legal recognition to EMS

1.15personnel licensed in a member state. This compact recognizes that states have a vested

1.16interest in protecting the public's health and safety through their licensing and regulation

1.17of EMS personnel and that such state regulation shared among the member states will best

1.18protect public health and safety. This compact is designed to achieve the following purposes

1.19and objectives:

1.201. Increase public access to EMS personnel;

1.212. Enhance the states' ability to protect the public's health and safety, especially patient

1.22safety;

2.1 3. Encourage the cooperation of member states in the areas of EMS personnel licensure
2.2 and regulation;

2.3 4. Support licensing of military members who are separating from an active duty tour
2.4 and their spouses;

2.5 5. Facilitate the exchange of information between member states regarding EMS personnel
2.6 licensure, adverse action and significant investigatory information;

2.7 6. Promote compliance with the laws governing EMS personnel practice in each member
2.8 state; and

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

2.11 SECTION 2. DEFINITIONS

2.12 In this compact:

2.13 A. "Advanced emergency medical technician" or "AEMT" means an individual licensed
2.14 with cognitive knowledge and a scope of practice that corresponds to that level in the
2.15 National EMS Education Standards and National EMS Scope of Practice Model.

2.16 B. "Adverse action" means any administrative, civil, equitable, or criminal action
2.17 permitted by a state's laws which may be imposed against licensed EMS personnel by a
2.18 state EMS authority or state court, including, but not limited to, actions against an individual's
2.19 license such as revocation, suspension, probation, consent agreement, monitoring, or other
2.20 limitation or encumbrance on the individual's practice, letters of reprimand or admonition,
2.21 finances, criminal convictions, and state court judgments enforcing adverse actions by the state
2.22 EMS authority.

2.23 C. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery
2.24 program approved by a state EMS authority.

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

2.27 E. "Commission" means the national administrative body of which all states that have
2.28 enacted the compact are members.

2.29 F. "Emergency medical technician" or "EMT" means an individual licensed with cognitive
2.30 knowledge and a scope of practice that corresponds to that level in the National EMS
2.31 Education Standards and National EMS Scope of Practice Model.

3.1 G. "Home state" means a member state where an individual is licensed to practice
3.2 emergency medical services.

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

3.5 I. "Medical director" means a physician licensed in a member state who is accountable
3.6 for the care delivered by EMS personnel.

3.7 J. "Member state" means a state that has enacted this compact.

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

3.10 L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of
3.11 practice that corresponds to that level in the National EMS Education Standards and National
3.12 EMS Scope of Practice Model.

3.13 M. "Remote state" means a member state in which an individual is not licensed.

3.14 N. "Restricted" means the outcome of an adverse action that limits a license or the
3.15 privilege to practice.

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

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

3.24 Q. "Significant investigatory information" means:

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

3.29 2. Investigative information that indicates that the individual represents an immediate
3.30 threat to public health and safety regardless of whether the individual has been notified and
3.31 had an opportunity to respond.

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

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

4.3 SECTION 3. HOME STATE LICENSURE

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

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

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

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

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

4.15 3. Notifies the commission, in compliance with the terms herein, of any adverse action
4.16 or significant investigatory information regarding an individual;

4.17 4. No later than five years after activation of the compact, requires a criminal background
4.18 check of all applicants for initial licensure, including the use of the results of fingerprint or
4.19 other biometric data checks compliant with the requirements of the Federal Bureau of
4.20 Investigation with the exception of federal employees who have suitability determination
4.21 in accordance with Code of Federal Regulations, title 5, section 731.202 and submit
4.22 documentation of such as promulgated in the rules of the commission; and

4.23 5. Complies with the rules of the commission.

4.24 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

4.29 1. Be at least 18 years of age;

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

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

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

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

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

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

5.21 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

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

6.2 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE

6.3 COMPACT

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

6.9 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY

6.10 MILITARY, AND THEIR SPOUSES

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

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

6.19 C. All individuals functioning with a privilege to practice under this section remain
6.20 subject to the adverse actions provisions of Section 8.

6.21 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

7.16 G. Nothing in this compact shall override a member state's decision that participation
7.17 in an alternative program may be used in lieu of adverse action and that such participation
7.18 shall remain nonpublic if required by the member state's laws. Member states must require
7.19 individuals who enter any alternative programs to agree not to practice in any other member
7.20 state during the term of the alternative program without prior authorization from such other
7.21 member state.

7.22 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
7.23 AUTHORITY

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

7.26 1. Issue subpoenas for both hearings and investigations that require the attendance and
7.27 testimony of witnesses and the production of evidence. Subpoenas issued by a member
7.28 state's EMS authority for the attendance and testimony of witnesses, or the production of
7.29 evidence from another member state, shall be enforced in the remote state by any court of
7.30 competent jurisdiction, according to that court's practice and procedure in considering
7.31 subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any
7.32 witness fees, travel expenses, mileage, and other fees required by the service statutes of the
7.33 state where the witnesses or evidence are located; and

8.1 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
8.2 to practice in the state.

8.3 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
8.4 PERSONNEL PRACTICE

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

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

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

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

8.13 B. Membership, Voting, and Meetings

8.14 1. Each member state shall have and be limited to one delegate. The responsible official
8.15 of the state EMS authority or his or her designee shall be the delegate to this compact for
8.16 each member state. Any delegate may be removed or suspended from office as provided
8.17 by the law of the state from which the delegate is appointed. Any vacancy occurring in the
8.18 commission shall be filled in accordance with the laws of the member state in which the
8.19 vacancy exists. In the event that more than one board, office, or other agency with the
8.20 legislative mandate to license EMS personnel at and above the level of EMT exists, the
8.21 governor of the state will determine which entity will be responsible for assigning the
8.22 delegate.

8.23 2. Each delegate shall be entitled to one vote with regard to the promulgation of rules
8.24 and creation of bylaws and shall otherwise have an opportunity to participate in the business
8.25 and affairs of the commission. A delegate shall vote in person or by such other means as
8.26 provided in the bylaws. The bylaws may provide for delegates' participation in meetings
8.27 by telephone or other means of communication.

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

8.30 4. All meetings shall be open to the public, and public notice of meetings shall be given
8.31 in the same manner as required under the rulemaking provisions in Section 12.

9.1 5. The commission may convene in a closed, nonpublic meeting if the commission must
9.2 discuss:

9.3 a. Noncompliance of a member state with its obligations under the compact;

9.4 b. The employment, compensation, discipline or other personnel matters, practices or
9.5 procedures related to specific employees or other matters related to the commission's internal
9.6 personnel practices and procedures;

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

9.8 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

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

9.10 f. Disclosure of trade secrets or commercial or financial information that is privileged
9.11 or confidential;

9.12 g. Disclosure of information of a personal nature where disclosure would constitute a
9.13 clearly unwarranted invasion of personal privacy;

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

9.15 i. Disclosure of information related to any investigatory reports prepared by or on behalf
9.16 of or for use of the commission or other committee charged with responsibility of
9.17 investigation or determination of compliance issues pursuant to the compact; or

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

9.19 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
9.20 commission's legal counsel or designee shall certify that the meeting may be closed and
9.21 shall reference each relevant exempting provision. The commission shall keep minutes that
9.22 fully and clearly describe all matters discussed in a meeting and shall provide a full and
9.23 accurate summary of actions taken, and the reasons therefore, including a description of the
9.24 views expressed. All documents considered in connection with an action shall be identified
9.25 in such minutes. All minutes and documents of a closed meeting shall remain under seal,
9.26 subject to release by a majority vote of the commission or order of a court of competent
9.27 jurisdiction.

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

9.31 1. Establishing the fiscal year of the commission;

10.1 2. Providing reasonable standards and procedures:

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

10.3 b. governing any general or specific delegation of any authority or function of the
10.4 commission;

10.5 3. Providing reasonable procedures for calling and conducting meetings of the
10.6 commission, ensuring reasonable advance notice of all meetings, and providing an
10.7 opportunity for attendance of such meetings by interested parties, with enumerated exceptions
10.8 designed to protect the public's interest, the privacy of individuals, and proprietary
10.9 information, including trade secrets. The commission may meet in closed session only after
10.10 a majority of the membership votes to close a meeting in whole or in part. As soon as
10.11 practicable, the commission must make public a copy of the vote to close the meeting
10.12 revealing the vote of each member with no proxy votes allowed;

10.13 4. Establishing the titles, duties and authority, and reasonable procedures for the election
10.14 of the officers of the commission;

10.15 5. Providing reasonable standards and procedures for the establishment of the personnel
10.16 policies and programs of the commission. Notwithstanding any civil service or other similar
10.17 laws of any member state, the bylaws shall exclusively govern the personnel policies and
10.18 programs of the commission;

10.19 6. Promulgating a code of ethics to address permissible and prohibited activities of
10.20 commission members and employees; and

10.21 7. Providing a mechanism for winding up the operations of the commission and the
10.22 equitable disposition of any surplus funds that may exist after the termination of the compact
10.23 after the payment and/or reserving of all of its debts and obligations.

10.24 D. The commission shall publish its bylaws and file a copy thereof, and a copy of any
10.25 amendment thereto, with the appropriate agency or officer in each of the member states, if
10.26 any.

10.27 E. The commission shall maintain its financial records in accordance with the bylaws.

10.28 F. The commission shall meet and take such actions as are consistent with the provisions
10.29 of this compact and the bylaws.

10.30 G. The commission shall have the following powers:

- 11.1 1. To promulgate uniform rules to facilitate and coordinate implementation and
11.2 administration of this compact. The rules shall have the force and effect of law and shall
11.3 be binding in all member states;
- 11.4 2. To bring and prosecute legal proceedings or actions in the name of the commission,
11.5 provided that the standing of any state EMS authority or other regulatory body responsible
11.6 for EMS personnel licensure to sue or be sued under applicable law shall not be affected;
- 11.7 3. To purchase and maintain insurance and bonds;
- 11.8 4. To borrow, accept, or contract for services of personnel, including, but not limited
11.9 to, employees of a member state;
- 11.10 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant
11.11 such individuals appropriate authority to carry out the purposes of the compact, and to
11.12 establish the commission's personnel policies and programs relating to conflicts of interest,
11.13 qualifications of personnel, and other related personnel matters;
- 11.14 6. To accept any and all appropriate donations and grants of money, equipment, supplies,
11.15 materials, and services, and to receive, utilize, and dispose of the same; provided that at all
11.16 times the commission shall strive to avoid any appearance of impropriety or conflict of
11.17 interest;
- 11.18 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
11.19 improve or use, any property, real, personal, or mixed; provided that at all times the
11.20 commission shall strive to avoid any appearance of impropriety;
- 11.21 8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
11.22 any property real, personal, or mixed;
- 11.23 9. To establish a budget and make expenditures;
- 11.24 10. To borrow money;
- 11.25 11. To appoint committees, including advisory committees comprised of members, state
11.26 regulators, state legislators or their representatives, and consumer representatives, and such
11.27 other interested persons as may be designated in this compact and the bylaws;
- 11.28 12. To provide and receive information from, and to cooperate with, law enforcement
11.29 agencies;
- 11.30 13. To adopt and use an official seal; and

12.1 14. To perform such other functions as may be necessary or appropriate to achieve the
12.2 purposes of this compact consistent with the state regulation of EMS personnel licensure
12.3 and practice.

12.4 H. Financing of the commission

12.5 1. The commission shall pay, or provide for the payment of, the reasonable expenses of
12.6 its establishment, organization, and ongoing activities.

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

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

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

12.18 5. The commission shall keep accurate accounts of all receipts and disbursements. The
12.19 receipts and disbursements of the commission shall be subject to the audit and accounting
12.20 procedures established under its bylaws. However, all receipts and disbursements of funds
12.21 handled by the commission shall be audited yearly by a certified or licensed public
12.22 accountant, and the report of the audit shall be included in and become part of the annual
12.23 report of the commission.

12.24 I. Qualified immunity, defense, and indemnification

12.25 1. The members, officers, executive director, employees, and representatives of the
12.26 commission shall be immune from suit and liability, either personally or in their official
12.27 capacity, for any claim for damage to or loss of property or personal injury or other civil
12.28 liability caused by or arising out of any actual or alleged act, error, or omission that occurred,
12.29 or that the person against whom the claim is made had a reasonable basis for believing
12.30 occurred within the scope of commission employment, duties, or responsibilities; provided
12.31 that nothing in this paragraph shall be construed to protect any such person from suit or
12.32 liability for any damage, loss, injury, or liability caused by the intentional or willful or
12.33 wanton misconduct of that person.

13.1 2. The commission shall defend any member, officer, executive director, employee, or
13.2 representative of the commission in any civil action seeking to impose liability arising out
13.3 of any actual or alleged act, error, or omission that occurred within the scope of commission
13.4 employment, duties, or responsibilities, or that the person against whom the claim is made
13.5 had a reasonable basis for believing occurred within the scope of commission employment,
13.6 duties, or responsibilities; provided that nothing herein shall be construed to prohibit that
13.7 person from retaining his or her own counsel; and provided further, that the actual or alleged
13.8 act, error, or omission did not result from that person's intentional or willful or wanton
13.9 misconduct.

13.10 3. The commission shall indemnify and hold harmless any member, officer, executive
13.11 director, employee, or representative of the commission for the amount of any settlement
13.12 or judgment obtained against that person arising out of any actual or alleged act, error, or
13.13 omission that occurred within the scope of commission employment, duties, or
13.14 responsibilities, or that such person had a reasonable basis for believing occurred within
13.15 the scope of commission employment, duties, or responsibilities, provided that the actual
13.16 or alleged act, error, or omission did not result from the intentional or willful or wanton
13.17 misconduct of that person.

13.18 SECTION 11. COORDINATED DATABASE

13.19 A. The commission shall provide for the development and maintenance of a coordinated
13.20 database and reporting system containing licensure, adverse action, and significant
13.21 investigatory information on all licensed individuals in member states.

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

13.25 1. Identifying information;

13.26 2. Licensure data;

13.27 3. Significant investigatory information;

13.28 4. Adverse actions against an individual's license;

13.29 5. An indicator that an individual's privilege to practice is restricted, suspended or
13.30 revoked;

13.31 6. Nonconfidential information related to alternative program participation;

13.32 7. Any denial of application for licensure, and the reasons for such denial; and

14.1 8. Other information that may facilitate the administration of this compact, as determined
14.2 by the rules of the commission.

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

14.6 D. Member states contributing information to the coordinated database may designate
14.7 information that may not be shared with the public without the express permission of the
14.8 contributing state.

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

14.12 SECTION 12. RULEMAKING

14.13 A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth
14.14 in this section and the rules adopted thereunder. Rules and amendments shall become binding
14.15 as of the date specified in each rule or amendment.

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

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

14.21 D. Prior to promulgation and adoption of a final rule by the commission, and at least 60
14.22 days in advance of the meeting at which the rule will be considered and voted upon, the
14.23 commission shall file a Notice of Proposed Rulemaking:

14.24 1. On the website of the commission; and

14.25 2. On the website of each member state EMS authority or the publication in which each
14.26 state would otherwise publish proposed rules.

14.27 E. The Notice of Proposed Rulemaking shall include:

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

14.30 2. The text of the proposed rule or amendment and the reason for the proposed rule;

14.31 3. A request for comments on the proposed rule from any interested person; and

15.1 4. The manner in which interested persons may submit notice to the commission of their
15.2 intention to attend the public hearing and any written comments.

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

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

15.7 1. At least 25 persons;

15.8 2. A governmental subdivision or agency; or

15.9 3. An association having at least 25 members.

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

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

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

15.17 3. No transcript of the hearing is required, unless a written request for a transcript is
15.18 made, in which case the person requesting the transcript shall bear the cost of producing
15.19 the transcript. A recording may be made in lieu of a transcript under the same terms and
15.20 conditions as a transcript. This subsection shall not preclude the commission from making
15.21 a transcript or recording of the hearing if it so chooses.

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

15.25 I. Following the scheduled hearing date, or by the close of business on the scheduled
15.26 hearing date if the hearing was not held, the commission shall consider all written and oral
15.27 comments received.

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

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

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

1. Meet an imminent threat to public health, safety, or welfare;

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

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

4. Protect public health and safety.

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

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

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

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

17.1 3. The commission shall be entitled to receive service of process in any such proceeding,
17.2 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
17.3 service of process to the commission shall render a judgment or order void as to the
17.4 commission, this compact, or promulgated rules.

17.5 B. Default, Technical Assistance, and Termination

17.6 1. If the commission determines that a member state has defaulted in the performance
17.7 of its obligations or responsibilities under this compact or the promulgated rules, the
17.8 commission shall:

17.9 a. Provide written notice to the defaulting state and other member states of the nature
17.10 of the default, the proposed means of curing the default, and any other action to be taken
17.11 by the commission; and

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

17.13 2. If a state in default fails to cure the default, the defaulting state may be terminated
17.14 from the compact upon an affirmative vote of a majority of the member states, and all rights,
17.15 privileges, and benefits conferred by this compact may be terminated on the effective date
17.16 of termination. A cure of the default does not relieve the offending state of obligations or
17.17 liabilities incurred during the period of default.

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

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

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

17.28 6. The defaulting state may appeal the action of the commission by petitioning the United
17.29 States District Court for the District of Columbia or the federal district where the commission
17.30 has its principal offices. The prevailing member shall be awarded all costs of such litigation,
17.31 including reasonable attorney's fees.

17.32 C. Dispute Resolution

18.1 1. Upon request by a member state, the commission shall attempt to resolve disputes
18.2 related to the compact that arise among member states and between member and nonmember
18.3 states.

18.4 2. The commission shall promulgate a rule providing for both mediation and binding
18.5 dispute resolution for disputes as appropriate.

18.6 D. Enforcement

18.7 1. The commission, in the reasonable exercise of its discretion, shall enforce the
18.8 provisions and rules of this compact.

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

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

18.17 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
18.18 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
18.19 AND AMENDMENT

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

18.25 B. Any state that joins the compact subsequent to the commission's initial adoption of
18.26 the rules shall be subject to the rules as they exist on the date on which the compact becomes
18.27 law in that state. Any rule that has been previously adopted by the commission shall have
18.28 the full force and effect of law on the day the compact becomes law in that state.

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

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

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

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

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

19.10 SECTION 15. CONSTRUCTION AND SEVERABILITY

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

19.15 **EFFECTIVE DATE.** This section is effective on the date on which the compact statute
19.16 is enacted into law in the tenth member state in accordance with Section 14, subsection A
19.17 of this compact.