# Background:

This addresses RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE

INTERSTATE COMPACT (“REPLICA”) **SECTION 3. HOME STATE LICENSURE, C. 4.** which requires:

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

REPLICA legislation and respective individual state laws state that a criminal background check requirement is effective “five years after activation of the Compact” – but nowhere does it define what the term “activation of the Compact” means.

There has been discussion on four potential dates that could determine the “activation” and the start of the 5-year countdown:

1. October 7, 2017 - which is the date the Commission was gaveled into existence. On Saturday, October 7th, 2017 in Oklahoma City, the inaugural meeting of the Full Commission was held. Statement on REPLICA October 17, 2018 “At this point, the EMS Compact is NOT active” [https://www.emscompact.gov/the-compact/news/statement-on-recognition-of-ems-personnel-licensure-interstate-compact-(replica)-status](https://www.emscompact.gov/the-compact/news/statement-on-recognition-of-ems-personnel-licensure-interstate-compact-%28replica%29-status)
2. March 16, 2020 – which is the date the Compact became operational. At the regular meeting of the Interstate Commission for EMS Personnel Practice (EMS Compact Commission) on Tuesday March 10, 2020, the EMS Compact Commission approved use of the EMS Compact process effective Monday March 16, 2020 in response to personnel needs associated with COVID-19. “EMS Compact Declared Operational for National COVID-19 Response” <https://www.emscompact.gov/the-compact/news/interstate-ems-personnel-licensing-compact-declared-operational-to-help-communities-respond-to-covid>

"At the regular meeting of the Interstate Commission for EMS Personnel Practice on Tuesday March 10, 2020, the EMS Compact Commission officially activated the EMS Compact." <https://www.emscompact.gov/the-compact/compact-history>

1. Section 14(A) of the Compact says that “the compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state,” May 8, 2017, when Governor Nathan Deal of Georgia signed Senate Bill 109, which made Georgia the tenth state to enact REPLICA legislation.

October 17, 2018 “At this point, the EMS Compact is NOT active” [https://www.emscompact.gov/the-compact/news/statement-on-recognition-of-ems-personnel-licensure-interstate-compact-(replica)-status](https://www.emscompact.gov/the-compact/news/statement-on-recognition-of-ems-personnel-licensure-interstate-compact-%28replica%29-status)

1. 5 years from the date each state was individually signed into law. For Pennsylvania, the last state to join the compact, this would be July 7, 2027.

# Non-Rule Policy

Whereas, REPLICA Sec. 3 C. 4. and individual state respective laws state *No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with US CFR §731.202 and submit documentation of such as promulgated in the rules of the Commission*;

Whereas, it has been undetermined as to the date that defines what the term “activation of the Compact” means;

Whereas, the Rule is intended to establish the activation date of xx xx 202x;

The Interstate Commission for EMS Personnel Practice adopts this non-rule policy.

Adopted by the Interstate Commission for EMS Personnel Practice on xx xx, 202x