



Interstate Commission for EMS Personnel Practice
5010 E. Trindle Road, Suite 202
Mechanicsburg, PA 17050
Phone (603)381-9195
prentiss@emsreplica.org
www.emsreplica.org

1 **INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE**
2 **FEBRAURY 26 & 27, 2018 – MEETING MINUTES**
3 **Nashville, Tennessee**

4
5
6 **Monday, February 26, 2018**

7
8 **Attendance:** Stephen Wilson (Alabama) Jeanne-Marie Bakehouse (Colorado), Earnest Doss
9 (Georgia), Wayne Denny (Idaho), Joe House (Kansas), Donna G. Tidwell (Tennessee), Joe Schmider
10 (Texas), Guy Dansie (Utah), Gary Brown (Virginia), Andy Gienapp (Wyoming).

11
12 Alisa Williams (Mississippi) arrived at 2:22p.m. CST

13
14 Donna G. Tidwell, led the group in the Pledge of Allegiance

15
16 Meeting was gaveled to order by Chair Joe Schmider at 2:08p.m. CST

17
18 A roll call of the Commission member states was performed by Chair Schmider.

19
20 **Present:** Colorado, Georgia, Idaho, Kansas, Tennessee, Texas, Virginia, Utah, and Wyoming.
21 Delaware was absent for the roll call (delegate sick, excused) and Mississippi is in transit.

22
23 **Staff:** Sue Prentiss, Advocate, Doug Wolfberg, Commission Counsel of Page, Wolfberg and Wirth.

24
25 **Guests:** Drew Dawson, NREMT, Donnie Woodyard, NREMT, Tom Abram, Counsel for NREMT,
26 Dawn Horton NREMT, Liby Lund, Tennessee Board of Nursing.

27
28 **Public Attendance:** Sign in sheet attached.

29
30 **Virtual Participants:** Rick Masters, Special Counsel (NCIC), Sam Vance (Texas).

31
32 **Seating of New Commissioner:**

33
34 Chairman Joe Schmider welcomed Ernie Doss as the new Commissioner from Georgia. Chair
35 Schmider recognized the efforts of the first Commissioner from Georgia Keith Wages who had
36 stepped down at the end of January.

37
38
39
Alabama - Colorado - Delaware - Georgia - Idaho - Kansas
Mississippi -Tennessee - Texas - Utah - Virginia - Wyoming

1 **Review and Approve Meeting Minutes – December 12, 2017:**

2
3 Stephen Wilson made a motion to approve the December 15, 2017, minutes. The motion was
4 seconded by Joe House.

5
6 **Motion Passed:** 11-0

7
8 **Public Comments on the Meeting Agenda:**

9
10 Chair Schmider asked opened the floor for any comments on the meeting agenda. No comments
11 were made.

12
13 **Commissioners Discussion on the Role of the Compact:**

14
15 Chair Schmider asked each member of the Commission to share their impression of the role and
16 functions of the Compact:

17
18 **Schmider:** stated that REPLICA was not a national license.

19 **Dansie:** stated a common misconception he hears in Utah is that if EMS personnel are crossing
20 state lines, they need to be affiliated with an agency across state lines versus the privilege on from
21 their home state license. He believes a disconnect around the understanding of a privilege to
22 practice. REPLICA does not allow for ambulance services to up shop and take away patients.

23 **Doss:** stated that he gets questions about whether or not this is a national license? Ernie shared
24 examples as to what this is supposed to do.

25 **House:** stated that his understanding of using the Compact includes disaster situations versus
26 every day care and transports.

27 **Gienapp:** stated the Compact puts another tool in the states tool box. Prior to REPLICA there was
28 only one pathway and EMS personnel needed to be licensed from out of stat when coming into
29 Wyoming. This allows for two pathways, come in Wyoming way or Wyoming REPLICA way.
30 Member states now have the authority to do things that they could not in the past, there will be a
31 time to write this and define this, the Compact functions.

32 **Bakehouse:** states it's time to write and define the Compact. She agrees with Commissioner
33 Gienapp's word. Understands the importance of medical direction to the Compact, how to write
34 and define this area in Colorado is important for them.

35 **Wilson:** stated this not a multistate license, that authorized circumstances matter, questions still
36 need to be answered around misconceptions.

37 **Tidwell:** stated the questions about Tennessee's agency laws and rules, how they are tied to
38 personnel licensure need to be answered. Agencies from outside the state that are a licensed
39 entity in Tennessee have to have their personnel licensed. Agencies that are not, but need to come
40 into the state on a short-term basis, like a disaster, would be able to do so.

41 **Williams:** stated that she agrees with what the over eight states have shared.

42 **Denny:** sated that a conversation with representatives from the Forest Service last week about
43 when REPLICA will be up and running, want to move away from limited recognition that some
44 Western States have shared.

1 **Brown:** stated that he has nothing different than what other Commissioners had to offer.
 2 However, there is a bill that's been filed for Virginia International Speedway to help with staffing
 3 issues. The bill looks a lot like REPLICA and even recognizes EMS personnel from REPLICA states.
 4 Feels that if we get border states on board, this will not be needed.

5
 6 Chair Schmider went out to the audience for public comment and, or questions. No comments
 7 were made.

8 **Lessons Learned from the Nurse Licensure Compact:**

9
 10 Elizabeth Lund, MSN, RN, Executive Director of the Tennessee Board of Nursing presented on the
 11 transition of the Nurse Licensure Compact (NLC) to the Enhanced Nurse Licensure Compact
 12 (ENLC) as well as compact rulemaking.
 13

14 **Discussions points included:**

- 15
- 16
- 17 • That with the first Nurse Licensure Compact no rulemaking authority was vested in the
- 18 Compact so states had to adopt Commission rules state by state. Not effective.
- 19 • Used the new ENLC to bring clarity around areas of resolution and enforcement when a
- 20 disagreement exists.
- 21 • NLC and ENLC reduced duplicate investigations, states learned this new level of
- 22 cooperation between states.
- 23 • Brings about a team of equals that protect the public through administration of the
- 24 Compact.
- 25 • Compact bigger than the individuals, people come and go, the Compact stays the same.
- 26 • Important to develop strong educational programming for staff in state offices. Designate a
- 27 lead Compact person in each state office in addition to the Commissioner/Delegate.
- 28 • Found partners and other opportunities to educate people in each state about the Compact.
- 29 • The NLC to ENLC had a built-in implementation date, six months out.
- 30 • Make sure Compact member states understand, are knowledgeable in the Compact.
- 31 • Important to crosswalk statute for the purposes of rulemaking, identify the areas where the
- 32 Compact expressly gives you the authority to write rules and needs clarity.
- 33 • Continually research administrative procedures, talk with other Compacts, stay up to date.
- 34 • Important to follow three important rulemaking principles include; write rules on what is
- 35 expressly stated in the Compact, apply rules to the exclusion of conflicting procedures and
- 36 apply rules uniformly, good for one good for all and need to make sense.
- 37 • Transparency efforts are vital, at the Commission table and back in your state. Documents
- 38 and meeting activities posted on websites in your home state, provide virtual participation.
- 39 • Open discussion about language, using "shall" versus "may".
- 40 • Be thinking about unintended consequences, if you are unsure about a rule, speak up
- 41 sooner rather than later.
- 42 • Adjust to a new framework, be nimble when you can.
- 43

44 **Commissioner questions and answers:**

1
2 **Gienapp:** Two-part problem, licensing around agencies and personnel. Hope we are setting the
3 stage for future advances. Are there other solutions that have come out of this Compact work?

4 **Lund:** other Compacts have been developed based on the NLC – ENLC, like APRN, and Physical
5 Therapists.

6 **Brown:** what does your professional staff, and fee structure for the Commission look like? Also,
7 where are you headquartered and how is your Information Technology/Database managed?

8 **Lund:** Tremendous support from the National Council of State Boards of Nursing (NCSBN),
9 evolved over the years, have an Executive Director and administrative staff based in Chicago.
10 NCSBN works with the NLC/ENLC on the Coordinated Database. Each state pays a fee, \$6000.00
11 annually.

12 **Tidwell:** if your travel covered by this fee (stated above)? **Lund:** for most states yes, travel to
13 Commission activities is supported by this state fee. In Tennessee, due to a state policy she not
14 able to accept this way of covering costs for her travel.

15 **Schmider:** how many meetings do you have a year? **Lund:** NLC – ENLC coordinates meetings
16 with NCSBSN meeting, full day twice a year Executive Committee meets more frequently in
17 between meeting in person and by phone. Telephonic as needed, bylaws outline quorum
18 requirements.

19 **Bakehouse:** overarching philosophy's question in regard to stakeholders and participants
20 Including "clarity, uniformity, cooperation, teamwork and trust, compact bigger then the
21 individual". Is this Intrinsic or learned? **Lund:** As regulators, overarching public policy, public
22 protection in our DNA. Built over time and with experience.

23 **Danise:** Rules Committee currently working on background checks, how did you come to a
24 consensus on what was acceptable? Initially you had to require background checks, ENLC decided
25 that a person cannot have a felony in their background and gain a multi-state license via the
26 Compact.

27 **Tom Abram:** nothing in the ENLC prohibits a state from issuing a single state license. Some things
28 are best left to rules and over time the Commission learns.

29 **Tidwell:** understands that an imprint/marking on nursing license whether its multi-state of
30 single state license. **Lund:** yes, as licenses are issued, single state versus multi-state license does
31 include a marking on their license.

32 **Denny:** recognizing that felonies are a dead stop, misdemeanors are up to state, individually.
33 Does the Commission look at these and make a ruling? **Lund:** the licensing state makes the
34 determination.

35 **Tom Abram:** another transition issue from NLC to ENLC includes any nurse with a multistate
36 License at the date of implementation of the ENLC was grandfathered I under the ENLC.

37 **Denny:** if the home state makes this call, do you have a list of the misdemeanors? What are the
38 deadly sins that will disqualify you? **Lund:** that's this where the trust comes in. Have found more
39 similarities than differences. States work these items out. Also understand that there may be
40 differences state to state in what is a felony. The NLC has had practice at this and have gained an
41 understanding in how they/this work.

42 **Tom Abram:** Home state issues a license; therefore, the home state will make the decision on the
43 criminal background check. ENLC continues to work through this.
44

1 **Tidwell:** are there any requirement for checking a background more than once on licensee?
2 **Lund:** if a license lapses, or you have a disqualifying event, or move to another state, then you will
3 need to have a new background check with the ENLC. **Schmider:** does FBI rapback apply? **Lund:**
4 Yes, in the states that have it.
5 **Schmider:** under the Compact, under adverse actions, there is language that would bar someone
6 with a disqualifying event before they would even be issued a privilege to practice.
7 **Tidwell:** Do individuals make an application to get a privilege to practice from one state to
8 another? **Lund:** we know who has a multi-state license all across the US, but we don't always
9 know if they are actively working. It's incumbent upon the licensee to make sure they are current
10 in touch with agency/facility licensure.
11 **House:** a question about transparency in rulemaking. Can you walk through the ENLC process of
12 responding to comments from the members of the Commission and the public to proposed rules?
13 **Lund:** The Commissioner responds. First decide on the content of a rule, post on the website and
14 open for comments. Have the Commission review the comments one-by-one and to make
15 decisions about whether or not a change is needed or not to a proposed rule. Welcome the
16 comments and suggestions. If the Commission does not agree, its responds to the person who has
17 raised the comments as to why or in justification.
18 **Gienapp:** what is the process for how the Commission responds? How did you formalize how you
19 are going to handle this? Done by policy? **Lund:** we wanted it public, posted, easy for folks to
20 make comments. Not in bylaws. Most likely will be in a procedure later.
21 **Dansie:** where do you house/keep the rules and how do you manage them? **Lund:** Post on
22 Compact and Commission website. Some states have stricter requirements, so in their own states
23 they have to post as well as what the Commission does.
24 **Schmider:** do you have a process built in where you have to have a public hearing? **Lund:** Yes.
25 **Schmider:** what surprises did you find that you did not expect? **Lund:** things moved quicker up to
26 29 states than was first thought. Also, the way the Commission and Compact state members were,
27 are able to compromise.
28 **Schmider:** how do you respond to rumor control? **Lund:** find opportunities for stakeholders to
29 come together and continuously educate. Even after years of success, some will never be
30 supportive. Need to move forward, do your job, agree to disagree.
31 **Brown:** Clarification on 29 states, what are the show stoppers in the 21 that are not yet
32 members? Lack of advocacy, opponents? **Lund:** state leaders support makes a big difference.
33 Didn't always have this level of buy in. Some states want to join, but there are factors that are
34 blockers, for example the criminal background check (becoming less of an issue) also some have
35 financial concerns. Data sharing was once a problem. Also, labor union opposition.
36 **Prentiss:** Explain the interaction between the rules and the Rules Committee. Commission has a
37 Rules Committee, talking a lot about process. **Lund:** Nurses first had a workgroup that met for
38 close to who years. Staff developed initial rules for Committee to do. Meetings mostly face to face.
39 With the ENLC, experiences Commissioner and Executive Committee members with a lot of
40 experience participated. Some work done by phone. Trial and error, sharing with all Compact
41 administrators to get feedback from the drafts. Back and forth, multiple times. Just getting enough
42 rules to implement. What rules could wait until later, do what you must, what you need to get
43 started. Set deadlines for what they had to accomplish and stuck with them, stay out of the weeds.
44

1 **Schmider:** Are your draft rulemaking documents public? **Lund:** no. The consensus was to get
 2 them in a better form before draft rules were made public for public comment. Build it first then
 3 take it out of house for review.

4 **House:** a concern he had heard earlier was about a reduction in the numbers for those being
 5 licensed and revenue. What would you track to these metrics? **Lund:** NCSBN worked to get a feel
 6 for the unduplicated license, found 12% of her licensees has a multistate license.

7 **Tom Abram:** reported some ENLC states will have different fee structures for single state versus
 8 single state. **Tidwell:** reminder that REPLICA is not a multi-state license.

9
 10 Chair Schmider thanked Libby Lund for her presentation.

11 **Public Comment from Non-Commissioner Attendees:**

12
 13 Chair Schmider invited comment. No comments were stated.
 14
 15

16 **Enter into non-public session – Coordinated Database Security and** 17 **Protections:**

18 Joe House made a motion to take the agenda out of order, moving tomorrow mornings non-public
 19 session with the National Registry of EMT's (NREMT) to this afternoon, Monday, February 26,
 20 2018. This session was originally scheduled Tuesday, February 27, 2018. The motion seconded by
 21 Gary Brown.

22 23 **Motion Passed 11-0**

24
 25 Donna Tidwell made a motion for the Commission to go into a non-public session in accordance
 26 with Section 10. Subsection B. 5, item (f) "Disclosure of trade secrets or commercial or financial
 27 information that is privileged or confidential". The motion seconded by Stephen Wilson.

28
 29 Doug Wolfberg, Commission Counsel stated for the record that Counsel certified the nonpublic
 30 session as enumerated in the agenda.

31
 32 Chairman Schmider called for a roll call vote:

33
 34 In the affirmative:

35
 36 Alabama
 37 Colorado
 38 Georgia
 39 Idaho
 40 Kansas
 41 Mississippi
 42 Tennessee
 43 Texas

1 Utah
2 Virginia
3 Wyoming

4
5 **Motion passed 11-0**

6
7 Commission entered into a non-public session at 3:23p.m. CST.

8
9 Motion by Andy Gienapp to go back into public session. The motion seconded by Joe House.

10
11 **Motion Passed 11-0**

12
13 Commission returns to public session at 4:40p.m. CST.

14
15 Motion by Andy Gienapp to adjourn. The motion was seconded by Donna Tidwell that motion.

16
17 **Motion passed 11-0**

18
19 **Meeting adjourned at 4:45p.m. CST.**

20
21 **Tuesday, February 27, 2018**

22
23
24 **Chair Joe Schmider gaveled the meeting to order at 8:07 a.m. CST**

25
26 A roll call of the Commission member states was performed by Chair Schmider.

27
28 **Present:** Alabama, Colorado, Georgia, Idaho, Kansas, Mississippi, Tennessee, Texas, Virginia, Utah,
29 and Wyoming. Delaware was absent for the roll call (delegate sick, excused).

30
31 **Staff:** Sue Prentiss, Advocate, Doug Wolfberg, Commission Counsel of Page, Wolfberg and Wirth.

32
33 **Guests:** Drew Dawson, NREMT, Donnie Woodyard, NREMT, Tom Abram, Counsel for NREMT,
34 Dawn Horton NREMT.

35
36 Stephen Wilson made a motion to take the agenda out of order, moving the non-pubic session
37 about the agreement with the NREMT up to the morning after the coordinated database
38 presentation and the rulemaking worksession to the afternoon. The motion seconded by Donna
39 Tidwell.

40
41 **Motion passed 11-0**

42
43 **Coordinated Database and Planning:**

44

1 Donnie Woodyard, NREMT, presented on the conceptual terms of the database believe we, the
2 Commission can achieve it all. Presentation points included:

- 3
- 4 • The NREMT mission and its relationship to coordinated database was highlighted. NREMT
5 has been the keeper of a national database since the inception of the organization. The
6 growth of this database is important to the NREMT mission and creates synergy with the
7 Commission's purposes.
- 8 • Multiple data sources included in the current database.
- 9 • Briefly reviewed Section 11. coordinated database.
- 10 • Public protection a top priority by both the NREMT and Commission.
- 11 • State data is always state data. Not changed or modified.
- 12 • Authorized users have the right to know, and the legal need to know. Legal right to know
13 and business needs to know, all are covered under the Compact. Rights granular down to
14 the individual user with the database.
- 15 • Operational status will depend on data use agreements, revised data use agreements, data
16 access and security policies, licensing and use agreements in standardized data fields.
- 17 • Tom Abram stated that the coordinated database is the number one public protection tool
18 that the ENLC has, tracking and finding results in real time.
- 19 • Types of screens/fields, can be turned on and turned off depending in user access, alerts,
20 basic demographics
- 21 • Chair Schmider asked about how the database will manage home addresses that are
22 associated with work? Something the NREMT already manages.
- 23 • Tom Abram states whatever member states feed into the database is what will be in the
24 system, a mirror view. States have control, "it's always your data".
- 25 • Database is designed to deal with alias's matching and elimination with smart-search
26 technology.
- 27 • NREMT information, what states already have access to, will be part of this one unified
28 system.
- 29 • State license details, for every state with a record on file, you would be able to see a
30 sampling of information. Examples include: What type of license? When was the record
31 created? Any state specific notes are just a few examples of what the state specific items
32 can be in. Rolling 24-hour clock, the database will do a synch across the nation, will look
33 for changes, details in the system.
- 34 • Andy Gienapp asked about doing multiple/batch verifications? Tom Abram spoke to a
35 feature in the Nursys database where employers can register all employees and batch
36 verifications can be done as well as real time push outs of key information, like expiration
37 dates. At this time, this electronic notification is free, but verifications in the Nursys system
38 is a revenue stream.
- 39 • Educational information that is made available can be in the system, there is a legal
40 mandate associated with the reporting feature to the National Practitioners Databank
41 (NPDP)
- 42 • Interstate Commission for EMS Personnel Practice key fields will be only found here in the
43 coordinated database. Privilege to practice and the restrictions on the privilege. The
44 Commission will have the authority to decide what point this privilege will be extended,
45 either at the time of licensure in the home state or upon request of the EMS personnel. This

1 can all be tracked in this systems and notifications can be set up. Another advanced public
 2 protection features. Donna Tidwell asked about how privilege restrictions would be
 3 highlighted/noted in the system and what type of access employers would have? Various
 4 alerts have been built in, hard to miss to answer these questions.

- 5 • Discipline investigations tab description. The power of this tab is that it's an aggregation of
 6 state EMS office discipline data from all states. If you are logging in as a Commissioner or a
 7 staff person with the delegated authority you will be able to see significant investigatory
 8 information in this tab as well. Alisa Williams sought clarification between an action taken
 9 and what may be notes of an investigation on file. State license discipline has had a formal
 10 decision rendered, where notes of investigation are anything prior to a final administrative
 11 action. Tom Abram reminded the Commission you have rulemaking in the area of
 12 significant investigatory information, exactly what that will be. Nursys have a field and
 13 alert that is shared in between states
- 14 • Coordinated Database and its interaction with the National Practitioners Databank (NPDB).
 15 States can report to the NPDP, that's the primary relationship and EMS is subject to the
 16 reporting requirement. The coordinated database is required to capture both significant
 17 investigatory information and discipline. As state EMS offices have the requirement to
 18 report the discipline to the NPDP, they could, Compact states, name the NREMT to be its
 19 authorized agent for this reporting.
- 20 • Chair Schmider asked about a mechanism to go back in history and import the notes,
 21 discipline, file information on EMS personnel. Donnie reported that this is technically
 22 possible. Tom Abram stated that this experience with the Nursys database, going back in
 23 time was found to be overwhelming, for both the Nurses and HRSA. The Commission will
 24 have to decide how far back to go, the NLC went back two years. Donnie also noted that the
 25 titles/categories for EMS personnel is being updated, the four most common types. New
 26 jurisdictional title for compacts is now included.
- 27 • For every discipline action, official, you will be able to access any comments. A brief
 28 discussion followed about the subcategories of discipline, and the use of "other". Donna
 29 Tidwell noted that not all discipline is related to EMS, in Tennessee she has to suspend
 30 those that do not pay child support for example.
- 31 • The reciprocity tab is designed with a large footprint that could grow with the profession.
 32 An opportunity to leverage the database if the decision is made to do so. Individuals from
 33 Compact states that wish to work, get a license in a non-Compact state could have a
 34 transcript generated from the database as a source of acceptable documentation and this
 35 could be done for a fee. Considered a primary source equivalent, instead of multiple state
 36 offices providing letters, this transcript could do.
- 37 • Chair Schmider asked if the EMS personnel could put their own historical data in? Donnie
 38 Woodyard stated that this is not technically possible.
- 39 • The coordinated database designed to leverage all available public data. There is a
 40 validation engine at the United States Postal Service (USPS) that every address that comes
 41 into the database goes through. It will clean, validate and update the address if chosen.
- 42 • Change history, "breadcrumbs" would be present, every move in the database is followed,
 43 tracked, noted. Creates an historical record of all actions.

- 1 • Other functions include enhanced state communication. System has a secured message
2 system that looks and acts like email yet ONLY works within the database. Commissioners
3 could share secure messages.
- 4 • Enhanced reporting, questions could be answered that we cannot currently, as to how
5 many EMS personnel at different levels are out there, certified and licensed. Automated
6 reports will be available to help state officials.
- 7 • The systems public features include the ability to interface, if turned on, for members of the
8 EMS system, personnel, to monitor their own publically available information. A single
9 employer could have a function turned on that allows them to monitor employee status,
10 current licensure. The publicly available information could be accessed by the public
11 through the database, essentially public validation of a license, go to one website, and see
12 type, expiration date and status in one place.
- 13 • Joe House, wanted to confirm that today these functions happen with Nursys. Tom Abram
14 reminded the Commission that what's in the database mirrors the state data displays and
15 what is already publically available. Doug Wolfberg stated that the Commission will have
16 to decide in rulemaking at what point the privilege to practice attaches as soon as a state
17 joins the Compact. The privilege exists and gives the individual option to exercise it. How
18 will public differentiate between a license and a privilege to practice. Actions taken by a
19 home or a remote state can impact the privilege to practice and that could end up being
20 publically displayed. This is a policy decision for the Commission. How the Commission
21 uses, links and leverages the data is up for determination.
- 22 • Next Steps and how to move forward discussed. NREMT has presented a draft framework
23 agreement to the Commission regarding supporting the coordinated database. This
24 provides an important legal framework. Encourages the establishment of a technical
25 working group to beginning talking through the many permeations and variables discussed
26 today. These questions would drive this rulemaking process through questions that would
27 drive a rulemaking process. Then next to build, test, implement. Alpha version of the
28 software built upon the collective work or other healthcare compact databases. This is a
29 reference point, so that REPLICAs database. Donna Tidwell raised the question about why
30 have a technical workgroup first? Tom Abram expressed that using this workgroup will
31 drive the policy issues, to sort out and understand the issues.
- 32 • Andy Gienapp asked if the coordinated database could tie to the FBI rapback, where
33 NREMT is a non-governmental entity, they would not be eligible
34

35 **Enter into Non-Public session - Agreement(s) between Commission and**
36 **NREMT for the Coordinated Database and Commission Administrative**
37 **Support:**

38 Earnest Doss made a motion for the Commission to go into a non-public session in accordance
39 with Section 10. Subsection B. 5, item (d) "Negotiation of contracts for the purchase or sale of
40 goods, services, or real estate". The motion seconded by Stephen Wilson.
41 Chairman Schmider called for a roll call vote.

42
43 In the affirmative:

1 Alabama
2 Colorado
3 Georgia
4 Idaho
5 Kansas
6 Mississippi
7 Tennessee
8 Texas
9 Utah
10 Virginia
11 Wyoming

12
13 **Motion passed 11-0**

14
15 The Commission entered in to a non-public session at 9:40a.m. CST.

16
17 Motion by Chair Schmider to go back into public session. The motion seconded by Joe House.

18
19 **Motion passed 11-0**

20
21 The Commission went back into public session at 11:50a.m. CST.

22
23 Motion by Donna Tidwell to name the Commission's principal place of business at Page, Wolfberg
24 and Wirth in Mechanicsville, PA, pending the approval of Doug's partner. The motion was
25 seconded by Stephen Wilson.

26
27 Motion passed 11-0

28
29 **Lunch**

30
31 **Rulemaking Worksession:**

32
33 Chair Schmider introduced Wayne Denny who is serving as the Chair of the Rules Committee.
34 Wayne shared the Committee rulemaking/flowchart map, the DRAFT language for what could be
35 an FBI background check, DRAFT language for definitions and for discussion the triage workplan
36 areas of rulemaking that need to be addressed.

37
38 Wayne stated that process should work, Commission gives the Rules Committee the policy
39 decision, the Committee drafts rules and brings language back. Views the work as reflecting the
40 will of the Commission. Joe House agreed with Wayne's direction.

41
42 Chair Schmider wanted to redirect to a high-level discussion about rulemaking. Commission will
43 give policy, Rules Committee proposed first draft to be shared with the Commission for fine
44 tuning. A second draft would go out to the world, then we go into a public hearing, the go into a
45 30-day waiting period before bringing the final rule to a vote by the Commission.

1
2 Donna Tidwell supports the Commissioners doing the first draft is important and then getting the
3 input from others, having time to digest, checking to see if the proposed rule would cause any
4 conflict. Donna referred to a process discussed by Libby Lund in yesterday's presentation.

5
6 A discussion followed about whether or not non-Commission members could participate, support
7 rulemaking.

8
9 Joe House emphasized the importance of maintaining the intent of the rule throughout the process
10 of rulemaking.

11
12 Chair Schmider stated that what heard from Libby Lund yesterday is that the nurses drafted what
13 the intent was first.

14
15 Tom Abram offers two observations based lessons learned and on the previous Commission
16 meeting and today. Commission need consensus on precise scope of conditions of practice in a
17 remote state. Points to Section 5 "Conditions of Practice in Remote States". Gives services and legal
18 standards for operation. Points to the "appropriate authority" as being who sends the personnel
19 and the Commission needs to define who/what this is. It did not get drafted as part of building the
20 Compact. Also feels you need to set an implementation date. Took nurses fourteen months first
21 time out to write rules an and set up their compact.

22
23 Donna Tidwell concerned about the statement that agency laws and rules may not be effective
24 with Compact. Tom Abram shared that if a provision within the agency laws is in conflict with
25 Compact, specifically as it has to do personnel licensure, may be in conflict.

26
27 Alisa Williams asked for clarity of how to define appropriate authority, including it could be the
28 state EMS office.

29
30 Doug Wolfberg pointed out that self-deployment would not be allowed within Compact, the
31 privilege does not extend to this scenario. Appropriate authority and assigned are tied up
32 together.

33
34 Chair Schmider wanted to talk about two scenarios to consider addressing. One has to do with
35 how long a license from one state is good in another when someone moves and assisting with
36 staffing on a limited period of time. This is not a multi-state license.

37
38 Doug Wolberg pointed out that early in the Compact day-to-day language was used and it should
39 inform the Commission.

40
41 Dia Gainor followed up on Doug Wolfberg's statement. The drafting team and shared that the use
42 of day to day and appropriate authority are hinge points. Defining these was avoided in drafting.
43

1 Donna Tidwell raised that agency's in Tennessee that they pick up and drop off in their state
2 greater than ten times in a month need to have an agency license, and therefore the personnel
3 need to be licensed.

4
5 Wayne Denny points to Section 4 (a) member states shall recognize the privilege to practice of a
6 license of an individual from another member states as long as it conforms with Section 3 of the
7 Compact. Concerned about one state not allowing a privilege to practice, points to the word
8 "shall".

9
10 Alisa Williams pointed out Section 3. (b) where it provides "Any member state may require an
11 individual to obtain and retain a license to be authorized to practice in the member state under
12 circumstances not authorized by the privilege to practice under the terms of this compact. "and
13 asked how that fits in. Tom Abram stated that it does not disturb a state's requirement that you
14 have a license to practice in that state so long as it's not covered already by that state. Need to
15 define appropriate authority.

16
17 A brief discussion followed about liability coverage for EMS personnel coming over on a limited
18 basis in a mass casualty incident, and the difference of mutual aid.

19
20 Wayne Denny wants to remain flexible and get the rules drafts to where we need to them be.
21 Donna Tidwell continues to be concerned about the when the Compact does and does not apply,
22 how this could impact revenue. Alisa Williams shared the concern about the potential impact on
23 revenue.

24
25 Andy Gienapp asked if the question before the Commission is if states have the authority to
26 determine at what point in time an individual would be required to hold a license in another state?
27 Discussion followed about appropriate authority and defining this.

28
29 Doug Wolfberg stated that the power to make a rule does not have to be exercised. If the
30 Commission does not interpret and define items, a court could do that for them, this does and has
31 happened.

32
33 Rick Masters was a member of the Drafting Team and stated that this discussion today may put
34 limits on what the Compact was intended to do.

35
36 Donna Tidwell sought clarification on applying an action against a privilege to practice versus a
37 license when the personnel are not from your own state.

38
39 Doug Wolfberg these are issues of supremacy versus preemption and are complicated matters.
40 Each state regulation or action needs to be judged in its context.

41
42 Tom Abram agrees with what Doug stated and added that the Commission could allow a state to
43 do/hold personnel to licensure in an area that other states in the Compact are not, however this
44 could be challenged.

45

1 Alisa Williams sought to clarify temporary licensure versus a privilege to practice.

2
3 Donna Tidwell wants to know if the Commission can set time limits on EMS personnel practice.
4 Discussion followed. State laws defines when personnel need to be licensed in that state. The
5 Compact provides the authorized circumstances for conditions of practice.

6
7 Wayne Denny raised the discussion about the difference between home state and remote state.
8 Wayne offered that home state is where you live. Donna Tidwell offered the perspective that you
9 could live in one state and work in another and where you license is where you work. Rick
10 Masters believes you have one home state.

11
12 Eric Cheney from DHS cited the current situation on the ground today where EMS personnel from
13 a federal agency are with the Vice President in Tennessee. How does the federal government
14 comply with each state? That is what the Compact needs to address. Will find home state for the
15 federal employees once the Compact rules are defined. Eric shared the challenges.

16
17 Jeanne-Marie Bakehouse wanted to circle back to Wayne's broad comments. Wayne felt where the
18 discussion had gone was very important. Wayne asked the group to consider the two DRAFT
19 documents that had been passed out today in the context of a process discussion. One question is
20 does the Commission want a separate chapter for definitions or keep all definitions in each
21 chapter of rule separately. Donna Tidwell stated having all definitions in one place makes it easy
22 for changes to be made and to be managed. Andy Gienapp stated he is off the opposite opinion.
23 He thinks putting them at the front of each chapter works better. Doug Wolfberg offered that you
24 could have this both ways. Some definitions are just applicable to one rule and some have a place
25 in all of the rules. Rules Committee to sort this out based on the direction of the Commission.

26
27 Wayne Denny redirected the group back to the DRAFT documents for discussion, specifically the
28 one with the content on the FBI compliant background checks. Donnie Woodyard suggested the
29 group should clarify that activation of the background check in member states from the point of
30 the Compacts enactment. After a brief discussion, the group decided to make this date specific.
31 Discussion followed about how much time it will take the Compact's coordinated database up and
32 operational. Twelve to eighteen months could be the timeframe to get this functional from the
33 date that all the questions are answered. Some of the most basic core function could come online
34 earlier.

35
36 Discussion followed about the implementation date for the overall compact and activation of the
37 FBI compliant background check in member states.

38
39 A motion was made by Earnest Doss that the date of Compact enactment is May 8, 2022, for the
40 FBI background check and the implementation date would be January 1, 2020, for the overall
41 Compact. The motion was seconded by Wayne Denny.

42
43 **Motion passed 11-0**

44

1 After another brief discussion, it was noted that the implementation date for the overall Compact
2 is softer than the FBI compliant check.

3
4 Rick Masters briefly reviewed that states need to make sure they have the authority to conduct
5 FBI background checks in their states.

6
7 A brief discussion followed about what can and cannot be shared about suitability from the FBI
8 compliant background check. The contents of a check, the results, cannot be shared. Rick Masters
9 stated that all you can do at initial licensure is to state that the applicant has met the
10 requirements.

11
12 Wayne Denny states that member states have different thresholds for suitability, background
13 check pass and fail, specifically the disqualifying crimes. The Commission will need to sort this out.
14 The Coordinated Database covers all of this and keeps track of licensure status in each member
15 state. Chair Schmider stated that the Rules Committee and Commission should consider that if a
16 home state okays a person for licensure, that in general they are good to go. Chair Schmider asked
17 each state to go back to their attorney and check to see if you can share denials of a licensure
18 application with NREMT.

19
20 Wayne Denny pointed back to the interim Rules Workgroup triage document for discussion.
21 Donna Tidwell offered that adverse actions would be a place to start and exactly what a home
22 state license means. There was consensus that home state licensure should be explored and
23 defined first as it informs other rules. NREMT has the personnel declare their home state, offers
24 that perspective. Andy Gienapp referred to the Compact and cited sections that define this for the
25 Commission, EMS personnel could have more than one home state. The ENLC define the home
26 state as that of primary residence and that they, the personnel, declare that status. Discussion
27 followed about one home state versus multiple home states.

28 29 **Commission General Business:**

30
31 After a brief break Chair Schmider reminded everyone that the early days will not be easy,
32 however, we are going to work through this and get there.

33
34 Chair Schmider stated that the Executive Committee will continue to meet every other Friday at
35 3:00p.m.

36
37 Sue Prentiss reminded everyone that the Compact Governance section of the website has all the
38 meeting information. This is in compliance with the Compact.

39
40 Chair Schmider discussed the possibility of having a meeting collated with NASEMSO at the annual
41 meeting in Rhode Island in May. Most likely will be Tuesday evening May 22, 2018. There will be
42 follow up.

43
44 Chair Schmider stated that the Commission needs to set up a bank account and put themselves in a
45 position to receive funding from grants and other potential sources. Doug Wolfberg will assist the

1 Treasurer, Stephen Wilson. A report of the Treasurer will be addressed to all Commission meeting
2 agendas.

3

4 Next meeting April via virtual participation. Date to be set.

5

6 Chair Schmider thanked everyone for their work and dedication to the process.

7

8 **Public Comment from Non-Commissioner Attendees:**

9

10 No comments were offered.

11

12 Motion to adjourn meeting by Donna Tidwell. The motion was seconded by Guy Danise.

13

14 **Motion passed 10-0**

15

16 **Meeting adjourned at 2:32p.m. CST.**

17

18 **Prepared by Sue Prentiss on behalf of Andy Gienapp, Secretary, Interstate Compact for EMS**
19 **Personnel Practice.**

20