
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 861 Session of
2021

INTRODUCED BY STEFANO, BAKER, BARTOLOTTA, MARTIN, MASTRIANO,
MENSCH, PITTMAN, VOGEL AND J. WARD, SEPTEMBER 14, 2021

REFERRED TO VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS,
SEPTEMBER 14, 2021

AN ACT

1 Making the Commonwealth of Pennsylvania a party to the
2 Recognition Of Emergency Medical Services Personnel Licensure
3 Interstate Compact; and providing for the form of the
4 compact.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 Recognition Of Emergency Medical Services Personnel Licensure
9 Interstate Compact Act.

10 Section 2. Recognition Of Emergency Medical Services Personnel
11 Licensure Interstate Compact.

12 The Recognition Of Emergency Medical Services Personnel
13 Licensure Interstate Compact is enacted into law and entered
14 into by the Commonwealth of Pennsylvania with all other states
15 legally joining in the compact in the form substantially as
16 follows:

17 SECTION 1. PURPOSE

18 In order to protect the public through verification of

1 competency and ensure accountability for patient care related
2 activities all states license emergency medical services (EMS)
3 personnel, such as emergency medical technicians (EMTs),
4 advanced EMTs and paramedics. This Compact is intended to
5 facilitate the day to day movement of EMS personnel across state
6 boundaries in the performance of their EMS duties as assigned by
7 an appropriate authority and authorize state EMS offices to
8 afford immediate legal recognition to EMS personnel licensed in
9 a member state. This Compact recognizes that states have a
10 vested interest in protecting the public's health and safety
11 through their licensing and regulation of EMS personnel and that
12 such state regulation shared among the member states will best
13 protect public health and safety. This Compact is designed to
14 achieve the following purposes and objectives:

- 15 1. Increase public access to EMS personnel;
- 16 2. Enhance the states' ability to protect the public's
17 health and safety, especially patient safety;
- 18 3. Encourage the cooperation of member states in the
19 areas of EMS personnel licensure and regulation;
- 20 4. Support licensing of military members who are
21 separating from an active duty tour and their spouses;
- 22 5. Facilitate the exchange of information between member
23 states regarding EMS personnel licensure, adverse action and
24 significant investigatory information;
- 25 6. Promote compliance with the laws governing EMS
26 personnel practice in each member state; and
- 27 7. Invest all member states with the authority to hold
28 EMS personnel accountable through the mutual recognition of
29 member state licenses.

30 SECTION 2. DEFINITIONS

1 In this compact:

2 A. "Advanced Emergency Medical Technician (AEMT)" means: an
3 individual licensed with cognitive knowledge and a scope of
4 practice that corresponds to that level in the National EMS
5 Education Standards and National EMS Scope of Practice Model.

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

15 C. "Alternative program" means: a voluntary, non-
16 disciplinary substance abuse recovery program approved by a
17 state EMS authority.

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

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

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

27 G. "Home State" means: a member state where an individual
28 is licensed to practice emergency medical services.

29 H. "License" means: the authorization by a state for an
30 individual to practice as an EMT, AEMT, paramedic, or a level in

1 between EMT and paramedic.

2 I. "Medical Director" means: a physician licensed in a
3 member state who is accountable for the care delivered by EMS
4 personnel.

5 J. "Member State" means: a state that has enacted this
6 compact.

7 K. "Privilege to Practice" means: an individual's authority
8 to deliver emergency medical services in remote states as
9 authorized under this compact.

10 L. "Paramedic" means: an individual licensed with cognitive
11 knowledge and a scope of practice that corresponds to that level
12 in the National EMS Education Standards and National EMS Scope
13 of Practice Model.

14 M. "Remote State" means: a member state in which an
15 individual is not licensed.

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

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

26 P. "Scope of Practice" means: defined parameters of various
27 duties or services that may be provided by an individual with
28 specific credentials. Whether regulated by rule, statute, or
29 court decision, it tends to represent the limits of services an
30 individual may perform.

1 Q. "Significant Investigatory Information" means:

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

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

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

13 S. "State EMS Authority" means: the board, office, or other
14 agency with the legislative mandate to license EMS personnel.

15 SECTION 3. HOME STATE LICENSURE

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

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

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

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

30 2. Has a mechanism in place for receiving and

1 investigating complaints about individuals;

2 3. Notifies the Commission, in compliance with the terms
3 herein, of any adverse action or significant investigatory
4 information regarding an individual;

5 4. No later than five years after activation of the
6 Compact, requires a criminal background check of all
7 applicants for initial licensure, including the use of the
8 results of fingerprint or other biometric data checks
9 compliant with the requirements of the Federal Bureau of
10 Investigation with the exception of federal employees who
11 have suitability determination in accordance with US CFR
12 §731.202 and submit documentation of such as promulgated in
13 the rules of the Commission; and

14 5. Complies with the rules of the Commission.

15 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

21 1. Be at least 18 years of age;

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

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

27 C. An individual providing patient care in a remote state
28 under the privilege to practice shall function within the scope
29 of practice authorized by the home state unless and until
30 modified by an appropriate authority in the remote state as may

1 be defined in the rules of the commission.

2 D. Except as provided in Section 4 subsection C, an
3 individual practicing in a remote state will be subject to the
4 remote state's authority and laws. A remote state may, in
5 accordance with due process and that state's laws, restrict,
6 suspend, or revoke an individual's privilege to practice in the
7 remote state and may take any other necessary actions to protect
8 the health and safety of its citizens. If a remote state takes
9 action it shall promptly notify the home state and the
10 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
14 the 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
17 not be eligible to practice in any remote state until the
18 individual's privilege to practice is restored.

19 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

20 An individual may practice in a remote state under a
21 privilege to practice only in the performance of the
22 individual's EMS duties as assigned by an appropriate authority,
23 as defined in the rules of the Commission, and under the
24 following circumstances:

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

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

30 3. The individual enters a remote state to provide

1 patient care and/or transport within that remote state;

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

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

7 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE
8 COMPACT

9 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
13 this Compact conflicts with EMAC, the terms of EMAC shall
14 prevail with respect to any individual practicing in the remote
15 state in response to such declaration.

16 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE
17 DUTY MILITARY, AND THEIR SPOUSES

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

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

29 C. All individuals functioning with a privilege to practice
30 under this Section remain subject to the Adverse Actions

1 provisions of Section VIII.

2 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

28 F. A home state's EMS authority shall investigate and take
29 appropriate action with respect to reported conduct in a remote
30 state as it would if such conduct had occurred within the home

1 state. In such cases, the home state's law shall control in
2 determining the appropriate adverse action.

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

11 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
12 AUTHORITY

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

16 1. Issue subpoenas for both hearings and investigations
17 that require the attendance and testimony of witnesses and
18 the production of evidence. Subpoenas issued by a member
19 state's EMS authority for the attendance and testimony of
20 witnesses, and/or the production of evidence from another
21 member state, shall be enforced in the remote state by any
22 court of competent jurisdiction, according to that court's
23 practice and procedure in considering subpoenas issued in its
24 own proceedings. The issuing state EMS authority shall pay
25 any witness fees, travel expenses, mileage, and other fees
26 required by the service statutes of the state where the
27 witnesses and/or evidence are located; and

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

30 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS

1 PERSONNEL PRACTICE

2 A. The Compact states hereby create and establish a joint
3 public agency known as the Interstate Commission for EMS
4 Personnel Practice.

5 1. The Commission is a body politic and an
6 instrumentality of the Compact states.

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

14 3. Nothing in this Compact shall be construed to be a
15 waiver of sovereign immunity.

16 B. Membership, Voting, and Meetings

17 1. Each member state shall have and be limited to one
18 (1) delegate. The responsible official of the state EMS
19 authority or his designee shall be the delegate to this
20 Compact for each member state. Any delegate may be removed
21 or suspended from office as provided by the law of the state
22 from which the delegate is appointed. Any vacancy occurring
23 in the Commission shall be filled in accordance with the laws
24 of the member state in which the vacancy exists. In the event
25 that more than one board, office, or other agency with the
26 legislative mandate to license EMS personnel at and above the
27 level of EMT exists, the Governor of the state will determine
28 which entity will be responsible for assigning the delegate.

29 2. Each delegate shall be entitled to one (1) vote with
30 regard to the promulgation of rules and creation of bylaws

1 and shall otherwise have an opportunity to participate in the
2 business and affairs of the Commission. A delegate shall vote
3 in person or by such other means as provided in the bylaws.
4 The bylaws may provide for delegates' participation in
5 meetings by telephone or other means of communication.

6 3. The Commission shall meet at least once during each
7 calendar year. Additional meetings shall be held as set forth
8 in the bylaws.

9 4. All meetings shall be open to the public, and public
10 notice of meetings shall be given in the same manner as
11 required under the rulemaking provisions in Section XII.

12 5. The Commission may convene in a closed, non-public
13 meeting if the Commission must discuss:

14 a. Non-compliance of a member state with its
15 obligations under the Compact;

16 b. The employment, compensation, discipline or other
17 personnel matters, practices or procedures related to
18 specific employees or other matters related to the
19 Commission's internal personnel practices and procedures;

20 c. Current, threatened, or reasonably anticipated
21 litigation;

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

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

26 f. Disclosure of trade secrets or commercial or
27 financial information that is privileged or confidential;

28 g. Disclosure of information of a personal nature
29 where disclosure would constitute a clearly unwarranted
30 invasion of personal privacy;

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

3 i. Disclosure of information related to any
4 investigatory reports prepared by or on behalf of or for
5 use of the Commission or other committee charged with
6 responsibility of investigation or determination of
7 compliance issues pursuant to the compact; or

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

10 6. If a meeting, or portion of a meeting, is closed
11 pursuant to this provision, the Commission's legal counsel or
12 designee shall certify that the meeting may be closed and
13 shall reference each relevant exempting provision. The
14 Commission shall keep minutes that fully and clearly describe
15 all matters discussed in a meeting and shall provide a full
16 and accurate summary of actions taken, and the reasons
17 therefore, including a description of the views expressed.
18 All documents considered in connection with an action shall
19 be identified in such minutes. All minutes and documents of a
20 closed meeting shall remain under seal, subject to release by
21 a majority vote of the Commission or order of a court of
22 competent jurisdiction.

23 C. The Commission shall, by a majority vote of the
24 delegates, prescribe bylaws and/or rules to govern its conduct
25 as may be necessary or appropriate to carry out the purposes and
26 exercise the powers of the compact, including but not limited
27 to:

- 28 1. Establishing the fiscal year of the Commission;
- 29 2. Providing reasonable standards and procedures:
 - 30 a. for the establishment and meetings of other

1 committees; and

2 b. governing any general or specific delegation of
3 any authority or function of the Commission;

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

16 4. Establishing the titles, duties and authority, and
17 reasonable procedures for the election of the officers of the
18 Commission;

19 5. Providing reasonable standards and procedures for the
20 establishment of the personnel policies and programs of the
21 Commission. Notwithstanding any civil service or other
22 similar laws of any member state, the bylaws shall
23 exclusively govern the personnel policies and programs of the
24 Commission;

25 6. Promulgating a code of ethics to address permissible
26 and prohibited activities of Commission members and
27 employees;

28 7. Providing a mechanism for winding up the operations
29 of the Commission and the equitable disposition of any
30 surplus funds that may exist after the termination of the

1 Compact after the payment and/or reserving of all of its
2 debts and obligations;

3 8. The Commission shall publish its bylaws and file a
4 copy thereof, and a copy of any amendment thereto, with the
5 appropriate agency or officer in each of the member states,
6 if any.

7 9. The Commission shall maintain its financial records
8 in accordance with the bylaws.

9 10. The Commission shall meet and take such actions as
10 are consistent with the provisions of this Compact and the
11 bylaws.

12 D. The Commission shall have the following powers:

13 1. The authority to promulgate uniform rules to
14 facilitate and coordinate implementation and administration
15 of this Compact. The rules shall have the force and effect of
16 law and shall be binding in all member states;

17 2. To bring and prosecute legal proceedings or actions
18 in the name of the Commission, provided that the standing of
19 any state EMS authority or other regulatory body responsible
20 for EMS personnel licensure to sue or be sued under
21 applicable law shall not be affected;

22 3. To purchase and maintain insurance and bonds;

23 4. To borrow, accept, or contract for services of
24 personnel, including, but not limited to, employees of a
25 member state;

26 5. To hire employees, elect or appoint officers, fix
27 compensation, define duties, grant such individuals
28 appropriate authority to carry out the purposes of the
29 compact, and to establish the Commission's personnel policies
30 and programs relating to conflicts of interest,

1 qualifications of personnel, and other related personnel
2 matters;

3 6. To accept any and all appropriate donations and
4 grants of money, equipment, supplies, materials and services,
5 and to receive, utilize and dispose of the same; provided
6 that at all times the Commission shall strive to avoid any
7 appearance of impropriety and/or conflict of interest;

8 7. To lease, purchase, accept appropriate gifts or
9 donations of, or otherwise to own, hold, improve or use, any
10 property, real, personal or mixed; provided that at all times
11 the Commission shall strive to avoid any appearance of
12 impropriety;

13 8. To sell convey, mortgage, pledge, lease, exchange,
14 abandon, or otherwise dispose of any property real, personal,
15 or mixed;

16 9. To establish a budget and make expenditures;

17 10. To borrow money;

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

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

25 13. To adopt and use an official seal; and

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

30 E. Financing of the Commission

1 1. The Commission shall pay, or provide for the payment
2 of, the reasonable expenses of its establishment,
3 organization, and ongoing activities.

4 2. The Commission may accept any and all appropriate
5 revenue sources, donations, and grants of money, equipment,
6 supplies, materials, and services.

7 3. The Commission may levy on and collect an annual
8 assessment from each member state or impose fees on other
9 parties to cover the cost of the operations and activities of
10 the Commission and its staff, which must be in a total amount
11 sufficient to cover its annual budget as approved each year
12 for which revenue is not provided by other sources. The
13 aggregate annual assessment amount shall be allocated based
14 upon a formula to be determined by the Commission, which
15 shall promulgate a rule binding upon all member states.

16 4. The Commission shall not incur obligations of any
17 kind prior to securing the funds adequate to meet the same;
18 nor shall the Commission pledge the credit of any of the
19 member states, except by and with the authority of the member
20 state.

21 5. The Commission shall keep accurate accounts of all
22 receipts and disbursements. The receipts and disbursements of
23 the Commission shall be subject to the audit and accounting
24 procedures established under its bylaws. However, all
25 receipts and disbursements of funds handled by the Commission
26 shall be audited yearly by a certified or licensed public
27 accountant, and the report of the audit shall be included in
28 and become part of the annual report of the Commission.

29 F. Qualified Immunity, Defense, and Indemnification

30 1. The members, officers, executive director, employees

1 and representatives of the Commission shall be immune from
2 suit and liability, either personally or in their official
3 capacity, for any claim for damage to or loss of property or
4 personal injury or other civil liability caused by or arising
5 out of any actual or alleged act, error or omission that
6 occurred, or that the person against whom the claim is made
7 had a reasonable basis for believing occurred within the
8 scope of Commission employment, duties or responsibilities;
9 provided that nothing in this paragraph shall be construed to
10 protect any such person from suit and/or liability for any
11 damage, loss, injury, or liability caused by the intentional
12 or willful or wanton misconduct of that person.

13 2. The Commission shall defend any member, officer,
14 executive director, employee or representative of the
15 Commission in any civil action seeking to impose liability
16 arising out of any actual or alleged act, error, or omission
17 that occurred within the scope of Commission employment,
18 duties, or responsibilities, or that the person against whom
19 the claim is made had a reasonable basis for believing
20 occurred within the scope of Commission employment, duties,
21 or responsibilities; provided that nothing herein shall be
22 construed to prohibit that person from retaining his or her
23 own counsel; and provided further, that the actual or alleged
24 act, error, or omission did not result from that person's
25 intentional or willful or wanton misconduct.

26 3. The Commission shall indemnify and hold harmless any
27 member, officer, executive director, employee, or
28 representative of the Commission for the amount of any
29 settlement or judgment obtained against that person arising
30 out of any actual or alleged act, error or omission that

1 occurred within the scope of Commission employment, duties,
2 or responsibilities, or that such person had a reasonable
3 basis for believing occurred within the scope of Commission
4 employment, duties, or responsibilities, provided that the
5 actual or alleged act, error, or omission did not result from
6 the intentional or willful or wanton misconduct of that
7 person.

8 SECTION 11. COORDINATED DATABASE

9 A. The Commission shall provide for the development and
10 maintenance of a coordinated database and reporting system
11 containing licensure, adverse action, and significant
12 investigatory information on all licensed individuals in member
13 states.

14 B. Notwithstanding any other provision of state law to the
15 contrary, a member state shall submit a uniform data set to the
16 coordinated database on all individuals to whom this compact is
17 applicable as required by the rules of the Commission,
18 including:

- 19 1. Identifying information;
- 20 2. Licensure data;
- 21 3. Significant investigatory information;
- 22 4. Adverse actions against an individual's license;
- 23 5. An indicator that an individual's privilege to
24 practice is restricted, suspended or revoked;
- 25 6. Non-confidential information related to alternative
26 program participation;
- 27 7. Any denial of application for licensure, and the
28 reason(s) for such denial; and
- 29 8. Other information that may facilitate the
30 administration of this Compact, as determined by the rules of

1 the Commission.

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

6 D. Member states contributing information to the coordinated
7 database may designate information that may not be shared with
8 the public without the express permission of the contributing
9 state.

10 E. Any information submitted to the coordinated database
11 that is subsequently required to be expunged by the laws of the
12 member state contributing the information shall be removed from
13 the coordinated database.

14 SECTION 12. RULEMAKING

15 A. The Commission shall exercise its rulemaking powers
16 pursuant to the criteria set forth in this Section and the rules
17 adopted thereunder. Rules and amendments shall become binding as
18 of the date specified in each rule or amendment.

19 B. If a majority of the legislatures of the member states
20 rejects a rule, by enactment of a statute or resolution in the
21 same manner used to adopt the Compact, then such rule shall have
22 no further force and effect in any member state.

23 C. Rules or amendments to the rules shall be adopted at a
24 regular or special meeting of the Commission.

25 D. Prior to promulgation and adoption of a final rule or
26 rules by the Commission, and at least sixty (60) days in advance
27 of the meeting at which the rule will be considered and voted
28 upon, the Commission shall file a Notice of Proposed Rulemaking:

- 29 1. On the website of the Commission; and
- 30 2. On the website of each member state EMS authority or

1 the publication in which each state would otherwise publish
2 proposed rules.

3 E. The Notice of Proposed Rulemaking shall include:

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

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

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

10 4. The manner in which interested persons may submit
11 notice to the Commission of their intention to attend the
12 public hearing and any written comments.

13 F. Prior to adoption of a proposed rule, the Commission
14 shall allow persons to submit written data, facts, opinions, and
15 arguments, which shall be made available to the public.

16 G. The Commission shall grant an opportunity for a public
17 hearing before it adopts a rule or amendment if a hearing is
18 requested by:

19 1. At least twenty-five (25) persons;

20 2. A governmental subdivision or agency; or

21 3. An association having at least twenty-five (25)
22 members.

23 H. If a hearing is held on the proposed rule or amendment,
24 the Commission shall publish the place, time, and date of the
25 scheduled public hearing.

26 1. All persons wishing to be heard at the hearing shall
27 notify the executive director of the Commission or other
28 designated member in writing of their desire to appear and
29 testify at the hearing not less than five (5) business days
30 before the scheduled date of the hearing.

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

4 3. No transcript of the hearing is required, unless a
5 written request for a transcript is made, in which case the
6 person requesting the transcript shall bear the cost of
7 producing the transcript. A recording may be made in lieu of
8 a transcript under the same terms and conditions as a
9 transcript. This subsection shall not preclude the
10 Commission from making a transcript or recording of the
11 hearing if it so chooses.

12 4. Nothing in this section shall be construed as
13 requiring a separate hearing on each rule. Rules may be
14 grouped for the convenience of the Commission at hearings
15 required by this section.

16 I. Following the scheduled hearing date, or by the close of
17 business on the scheduled hearing date if the hearing was not
18 held, the Commission shall consider all written and oral
19 comments received.

20 J. The Commission shall, by majority vote of all members,
21 take final action on the proposed rule and shall determine the
22 effective date of the rule, if any, based on the rulemaking
23 record and the full text of the rule.

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

28 L. Upon determination that an emergency exists, the
29 Commission may consider and adopt an emergency rule without
30 prior notice, opportunity for comment, or hearing, provided that

1 the usual rulemaking procedures provided in the Compact and in
2 this section shall be retroactively applied to the rule as soon
3 as reasonably possible, in no event later than ninety (90) days
4 after the effective date of the rule. For the purposes of this
5 provision, an emergency rule is one that must be adopted
6 immediately in order to:

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

9 2. Prevent a loss of Commission or member state funds;

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

13 4. Protect public health and safety.

14 M. The Commission or an authorized committee of the
15 Commission may direct revisions to a previously adopted rule or
16 amendment for purposes of correcting typographical errors,
17 errors in format, errors in consistency, or grammatical errors.
18 Public notice of any revisions shall be posted on the website of
19 the Commission. The revision shall be subject to challenge by
20 any person for a period of thirty (30) days after posting. The
21 revision may be challenged only on grounds that the revision
22 results in a material change to a rule. A challenge shall be
23 made in writing, and delivered to the chair of the Commission
24 prior to the end of the notice period. If no challenge is made,
25 the revision will take effect without further action. If the
26 revision is challenged, the revision may not take effect without
27 the approval of the Commission.

28 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

29 A. Oversight

30 1. The executive, legislative, and judicial branches of

1 state government in each member state shall enforce this
2 compact and take all actions necessary and appropriate to
3 effectuate the compact's purposes and intent. The provisions
4 of this compact and the rules promulgated hereunder shall
5 have standing as statutory law.

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

11 3. The Commission shall be entitled to receive service
12 of process in any such proceeding, and shall have standing to
13 intervene in such a proceeding for all purposes. Failure to
14 provide service of process to the Commission shall render a
15 judgment or order void as to the Commission, this Compact, or
16 promulgated rules.

17 B. Default, Technical Assistance, and Termination

18 1. If the Commission determines that a member state has
19 defaulted in the performance of its obligations or
20 responsibilities under this compact or the promulgated rules,
21 the Commission shall:

22 a. Provide written notice to the defaulting state
23 and other member states of the nature of the default, the
24 proposed means of curing the default and/or any other
25 action to be taken by the Commission; and

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

28 2. If a state in default fails to cure the default, the
29 defaulting state may be terminated from the Compact upon an
30 affirmative vote of a majority of the member states, and all

1 rights, privileges and benefits conferred by this compact may
2 be terminated on the effective date of termination. A cure of
3 the default does not relieve the offending state of
4 obligations or liabilities incurred during the period of
5 default.

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

12 4. A state that has been terminated is responsible for
13 all assessments, obligations, and liabilities incurred
14 through the effective date of termination, including
15 obligations that extend beyond the effective date of
16 termination.

17 5. The Commission shall not bear any costs related to a
18 state that is found to be in default or that has been
19 terminated from the compact, unless agreed upon in writing
20 between the Commission and the defaulting state.

21 6. The defaulting state may appeal the action of the
22 Commission by petitioning the U.S. District Court for the
23 District of Columbia or the federal district where the
24 Commission has its principal offices. The prevailing member
25 shall be awarded all costs of such litigation, including
26 reasonable attorney's fees.

27 C. Dispute Resolution

28 1. Upon request by a member state, the Commission shall
29 attempt to resolve disputes related to the compact that arise
30 among member states and between member and non-member states.

1 2. The Commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for disputes as
3 appropriate.

4 D. Enforcement

5 1. The Commission, in the reasonable exercise of its
6 discretion, shall enforce the provisions and rules of this
7 compact.

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

18 3. The remedies herein shall not be the exclusive
19 remedies of the Commission. The Commission may pursue any
20 other remedies available under federal or state law.

21 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION
22 FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,
23 WITHDRAWAL, AND AMENDMENT

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

1 compact.

2 B. Any state that joins the compact subsequent to the
3 Commission's initial adoption of the rules shall be subject to
4 the rules as they exist on the date on which the compact becomes
5 law in that state. Any rule that has been previously adopted by
6 the Commission shall have the full force and effect of law on
7 the day the compact becomes law in that state.

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

10 1. A member state's withdrawal shall not take effect
11 until six (6) months after enactment of the repealing
12 statute.

13 2. Withdrawal shall not affect the continuing
14 requirement of the withdrawing state's EMS authority to
15 comply with the investigative and adverse action reporting
16 requirements of this act prior to the effective date of
17 withdrawal.

18 D. Nothing contained in this compact shall be construed to
19 invalidate or prevent any EMS personnel licensure agreement or
20 other cooperative arrangement between a member state and a non-
21 member state that does not conflict with the provisions of this
22 compact.

23 E. This Compact may be amended by the member states. No
24 amendment to this Compact shall become effective and binding
25 upon any member state until it is enacted into the laws of all
26 member states.

27 SECTION 15. CONSTRUCTION AND SEVERABILITY

28 This Compact shall be liberally construed so as to effectuate
29 the purposes thereof. If this compact shall be held contrary to
30 the constitution of any state member thereto, the compact shall

1 remain in full force and effect as to the remaining member
2 states. Nothing in this compact supersedes state law or rules
3 related to licensure of EMS agencies.

4 Section 3. Effective date.

5 This act shall take effect immediately.