

DRAFT ADMINISTRATIVE RULES

December 4, 2024

Disclaimer: These conceptual administrative Rules are presented for the purpose of discussion and deliberation by the Bylaws & Rules Committee. They are **not final and have not been formally adopted or approved**. The content within these Rules is subject to change based on feedback, further review, and the Committee's ongoing evaluation process. These concepts are intended to stimulate dialogue and gather input to refine and develop effective administrative guidelines.

SECTION 1. Purpose and Authority

These Rules are promulgated by the Interstate Commission for Emergency Medical Services Personnel Practice pursuant to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA). These Rules shall become effective upon adoption by the Commission. Nothing in the compact or these Rules authorizes an individual to practice in a non-Member State.

SECTION 2. Definitions

For the purposes of the Rules adopted by the Interstate Commission for Emergency Medical Services Personnel Practice, the following definitions shall apply. Terms not specifically defined in these Rules shall have the definitions as set forth in the Compact.

- 2.0** “**Adverse Action**” means: any administrative, civil, equitable or criminal action permitted by a State’s laws which may be imposed against licensed EMS personnel by a State EMS Authority or State court, including, but not limited to, actions against an individual’s license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual’s practice, letters of reprimand or admonition, fines, criminal convictions and State court judgments enforcing adverse actions by the State EMS Authority.
- 2.1** “**Commission**” means: the national administrative body of which all States that have enacted the Compact are members.
- 2.2** “**Commissioner**” means: the appointed delegate from each State as described in Section 10.B.1. of the Compact.
- 2.3** “**Compact**”; hereinafter “the Compact” means: The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (REPLICA) as enacted by a Member State.
- 2.4** “**Compact Data Participation Agreement**” means: the agreement established between the Commission and the Coordinated Database Administrator.
- 2.5** “**Conditions of Practice**” means: the circumstances under which an individual **EMS CLINICIAN** is authorized to practice in a Remote State under a privilege to practice.

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- 2.6** “**Coordinated Database**” **ALSO REFERRED TO AS THE NATIONAL EMS COORDINATED DATABASE (NEMSCD)** means: the information system **AND CONSOLIDATED DATA** established and maintained by the Commission as set forth in the Compact. **THE COORDINATED DATABASE COLLECTS, MAINTAINS, ANALYZES, REPORTS, AND SHARES AUTHORIZED INFORMATION ON EMS PERSONNEL LICENSURE, CERTIFICATION, PRIVILEGE TO PRACTICE, INVESTIGATIONS, ENFORCEMENT, AND DISCIPLINARY INFORMATION.**
- 2.7** “**Coordinated Database Administrator**” means: the contractor, person or employee named by the Commission to provide oversight and management of the Coordinated Database.
- 2.8** “**EMS Agency**” means: an organization that is authorized by a State EMS Authority to operate an ambulance service, or non-transport service.
- 2.9** “**EMS CLINICIAN**” **MEANS: AN INDIVIDUAL LICENSED BY A JURISDICTION IN THE UNITED STATES AS AN EMERGENCY MEDICAL TECHNICIAN (EMT), ADVANCED-EMT (AEMT), PARAMEDIC, OR A LEVEL IN BETWEEN EMT AND PARAMEDIC.**
- 2.10** “**License**” means: the authorization by a State for an individual to practice as an EMT, AEMT, Paramedic, or a level in between EMT and Paramedic.
- 2.11** “**LICENSE ENDORSEMENT**” **MEANS AN AUTHORIZATION BY THE STATE EMS AUTHORITY TO PERMIT THE EMS CLINICIAN TO PERFORM ADDITIONAL SKILLS OR INTERVENTIONS AS A SUPPLEMENT TO THE EMS CLINICIAN’S SCOPE OF PRACTICE.**
- 2.12** “**Member State**” means: a State that has enacted the Compact.
- 2.13** “**National EMS ID number**” means: a randomly generated, unique 12-digit identification number issued by the National Registry of EMTs.
- 2.14** “**Notify the Commission**” means: communication whether written, verbal or through submission of information through the Coordinated Database. For the purposes of these Rules, submission of information to the Coordinated Database shall be deemed to have satisfied any requirements under the Compact to a Home State or Member State. Nothing in the Commission Rules shall be construed as prohibiting the sharing of information directly between Member States, assuming all other requirements for submission to the Coordinated Database are satisfied.
- 2.15** “**Non-Member State**” means: a State, territory or jurisdiction of the United States that has not enacted the Compact.
- 2.16** “**Personally Identifiable Information**” (**PII**) means: any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means. Further, PII is defined as information: (i) that directly identifies an individual (e.g., name, address, social security number or other identifying number or code, telephone number, email address, etc.) or (ii) by which an agency intends to identify specific individuals in conjunction with other data elements, i.e., indirect identification. (These data elements may include a combination of gender, race, birth date, geographic indicator, and other descriptors). Additionally, information permitting the physical or online contacting of a specific individual is the same as personally identifiable information. This information can be maintained in either paper, electronic or other media.

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- 79 **2.17** “Privilege to Practice” means: an individual’s authority to deliver emergency medical
80 services in Remote States as authorized under this compact.
- 81 **2.18** “REMOTE STATE APPROPRIATE AUTHORITY” MEANS: THE STATE EMS AUTHORITY, THE
82 PHYSICIAN EMS MEDICAL DIRECTOR, OR THE EMS AGENCY.
- 83 **2.19** “Rule” means: a written Statement by the Commission promulgated pursuant to Section 12 of
84 the Compact that is of general applicability; implements, interprets, or prescribes a policy or
85 provision of the Compact; or is an organizational, procedural, or practice requirement of the
86 Commission and has the force and effect of statutory law in a Member State and includes the
87 amendment, repeal, or suspension of an existing Rule.
- 88 **2.20** “SCOPE OF PRACTICE” MEANS: DEFINED PARAMETERS OF VARIOUS DUTIES OR SERVICES THAT
89 MAY BE PROVIDED BY AN INDIVIDUAL WITH SPECIFIC CREDENTIALS. WHETHER REGULATED BY
90 RULE, STATUTE, OR COURT DECISION, IT TENDS TO REPRESENT THE LIMITS OF SERVICES AN
91 INDIVIDUAL MAY PERFORM.
- 92 **2.21** “State” means: any State, commonwealth, district, or territory of the United States.
- 93 **2.22** “State EMS Authority” means: the board, office, or other agency with the legislative
94 mandate to License EMS personnel.
- 95 **2.23** “Subject” means: an individual who is under investigation by a State EMS Authority for
96 alleged misconduct.
- 97 **2.24** “UNIFORM DATA SET” MEANS: A STANDARDIZED SET OF INFORMATION THAT MEMBER STATES
98 MUST SUBMIT TO THE COORDINATED DATABASE, AS DEFINED IN SECTION 11.3 OF THESE RULES.
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100 SECTION 3. Not Used

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102 SECTION 4. Privilege to Practice

- 103 **4.0** Recognition of privilege to practice. A Remote State shall recognize the Privilege to
104 Practice of an EMS CLINICIAN individual who is Licensed in another Member State,
105 PROVIDED THAT THE FOLLOWING CONDITIONS ARE SATISFIED:
- 106 (A) the Home State complies with Section 3 of the Compact AND SECTION 11 OF THESE
107 RULES; and
- 108 (B) the EMS CLINICIAN individual is performing EMS duties that are assigned by an EMS
109 agency that is authorized in the Remote State (for purposes of this section, such duties
110 shall include the individual's travel to, from and between the location(s) in the Remote
111 State at which the individual's assigned EMS duties are to be performed); and
- 112 ~~(C) the results of the individual’s criminal history background check are documented by~~
113 ~~all Home States where the individual is Licensed as qualified; and~~
- 114 (C) the EMS CLINICIAN individual has an unrestricted License issued by the Home State
115 wherein the EMS agency for which the individual is practicing in the Remote State;
116 and

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- 117 (D) the EMS CLINICIAN'S ~~individual~~ Privilege to Practice has not been restricted or
118 revoked by any Member State (except as provided in section 4.2 of these Rules); AND
- 119 (E) THE EMS CLINICIAN ADHERES TO THE PUBLISHED PROFESSIONAL CODE OF CONDUCT,
120 AS STATED IN 4.6
- 121 (F) THE EMS CLINICIAN'S HOME STATE LICENSE STATUS IS VISIBLE IN THE COORDINATED
122 DATABASE WHEN QUERIED BY THE EMS ID NUMBER; AND
- 123 (G) THE EMS CLINICIAN'S PRIVILEGE TO PRACTICE STATUS IN THE COORDINATED
124 DATABASE IS SET TO 'YES' OR 'ACTIVE'; AND

4.1 Notification of Privilege to Practice status

- 126 (A) Home States shall notify the Commission of the Privilege to Practice status for each
127 EMS CLINICIAN ~~individual~~ Licensed by the Home State to the Commission as
128 described in Section 11.3 of these Rules as unrestricted, restricted, suspended, revoked
129 or denied.
- 130 (B) When a Home State restricts, suspends, or revokes an individual's License, the Home
131 State shall notify the Commission of the individual's eligibility to request restoration
132 of the Privilege to Practice on the adverse action order as:
- 133 (1i) Eligible for Privilege to Practice restoration. The Home State EMS authority
134 where the action was taken authorizes the individual to request reinstatement
135 of the Privilege to Practice in Remote States, or
- 136 (2ii) Ineligible for Privilege to Practice restoration. The Home State EMS authority
137 where the action was taken does not authorize the individual to request
138 reinstatement of the Privilege to Practice in Remote States.

4.2 Restoration of Privilege to Practice. The restoration of the Privilege to Practice shall only occur when:

- 141 (A) the Home State License is restored or unrestricted; or
- 142 (B) the Privilege to Practice restoration is authorized as Stated in section 4.1(B)(i) of these
143 Rules and
- 144 (1i) the Remote State restores the Privilege to Practice or removes the restriction of
145 the privilege to practice; and
- 146 (2ii) the EMS CLINICIAN ~~individual~~ whose License or Privilege to Practice in any
147 Member State is restricted, suspended, or revoked has submitted a request to
148 each Remote State wherein the individual wishes to have a privilege to
149 practice.

4.3 EMS CLINICIANS ~~individual~~ Licensed in non-reporting Home States. EMS CLINICIANS ~~individual~~ Licensed in a Home State that does not collect and submit all elements of the Uniform Data Set are not AUTOMATICALLY eligible to practice in a Remote State under the Privilege to Practice until the Home State has submitted all elements of the Uniform Data Set in the manner prescribed by the Commission.

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155 (A) **TEMPORARY RECOGNITION.** A REMOTE STATE'S COMMISSIONER MAY, AT THEIR SOLE
156 DISCRETION, REQUEST MANUAL VERIFICATION OF AN EMS CLINICIAN'S LICENSURE
157 STATUS DIRECTLY FROM THE HOME STATE. IF THE COMMISSIONER DETERMINES THAT
158 THE EMS CLINICIAN IS OTHERWISE IN COMPLIANCE WITH SECTION 4(A)-(E), THEY MAY
159 GRANT RECOGNITION OF THE PRIVILEGE TO PRACTICE FOR A LIMITED DURATION, AS
160 DETERMINED BY THE COMMISSIONER, IN THEIR REMOTE STATE WHILE THE HOME STATE
161 WORKS TO ACHIEVE FULL COMPLIANCE WITH THE UNIFORM DATA SET SUBMISSION
162 REQUIREMENTS.

163 **4.4 Scope of Practice.** An EMS CLINICIAN ~~individual~~ providing patient care in a Remote State
164 under the Privilege to Practice shall function within the Scope of Practice authorized by THE
165 EMS CLINICIAN'S ~~his or her~~ Home State unless or until modified by the REMOTE STATE
166 APPROPRIATE AUTHORITY. ~~appropriate authority in the Remote State.~~

167 (A) ~~Each Member State EMS authority that chooses to modify the scope of practice of~~
168 ~~individuals who are functioning in the State under a Privilege to Practice must report~~
169 ~~the specific modifications to the Commission for publication as described in these~~
170 ~~Rules.~~

171 (A) ~~If the statutes and Rules in the Remote State allows further modification of the scope~~
172 ~~of practice, an EMS agency may further modify an individual's scope of practice.~~

173 ~~If the EMS authority of the Member State in which patient care is provided specifies a~~
174 ~~scope of practice that the EMS agency must follow, the individual will follow the~~
175 ~~scope of practice for the EMS agency for which the individual is providing patient~~
176 ~~care.~~

177 (A) **WHEN PROVIDING CARE IN A REMOTE STATE:**

178 (1) **THE EMS CLINICIAN MUST PRACTICE ONLY THROUGH AN EMS AGENCY THAT IS**
179 **AUTHORIZED TO OPERATE IN THE REMOTE STATE.**

180 (3) **IF THE MODIFIED SCOPE OF PRACTICE DIFFERS FROM OR EXCEEDS THAT OF THE**
181 **HOME STATE, THE REMOTE STATE APPROPRIATE AUTHORITY MAY:**

182 (I) **REQUIRE ADDITIONAL EDUCATION OR TRAINING; AND/OR**

183 (II) **MANDATE A DEMONSTRATION OF COMPETENCY; AND/OR**

184 (III) **RESTRICT THE EMS CLINICIAN'S SCOPE OF PRACTICE.**

185 (B) **IF THE HOME STATE AND REMOTE STATE RECOGNIZE LICENSE ENDORSEMENTS, AND/OR**
186 **SPECIALTY CERTIFICATIONS ISSUED BY THE INTERNATIONAL BOARD OF SPECIALTY**
187 **CERTIFICATIONS (IBSC), THE REMOTE STATE MAY RECOGNIZE THE SCOPE OF PRACTICE**
188 **ASSOCIATED WITH THE LICENSE ENDORSEMENT.**

189 ~~4.5 Notification.~~ A Member State shall notify the Commission of any scope of practice
190 ~~modifications or limitations for individual (from another Member State) providing patient~~
191 ~~care in the State under the privilege to practice.~~

192 ~~4.6 Publication of scope of practice.~~ The Commission shall publish the scope of practice
193 ~~limitations and modifications for all Member States in the Commission's standards manual~~
194 ~~that is incorporated in these Rules.~~

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A) ~~Updates to the standards manual will be published each year on July 1.~~

B) ~~The standards manual will be made available on the Commission website.~~

4.5 **EMS CLINICIAN individual responsibility.** An EMS CLINICIAN individual providing patient care in a Remote State under the Privilege to Practice is responsible for adhering to the Scope of Practice modifications or limitations for that Remote State, ~~AS MAY BE MODIFIED BY A REMOTE STATE APPROPRIATE AUTHORITY. as described in the most current version of the Commission's standards manual.~~

4.6 **PROFESSIONAL CODE OF CONDUCT.** EMS CLINICIANS FUNCTIONING UNDER THE PRIVILEGE TO PRACTICE SHALL ADHERE TO THE *PROFESSIONAL CODE OF CONDUCT* AS ADOPTED BY THE COMMISSION. THE *PROFESSIONAL CODE OF CONDUCT* OUTLINES ETHICAL AND PROFESSIONAL BEHAVIOR STANDARDS EXPECTED OF ALL EMS CLINICIANS OPERATING IN MEMBER STATES UNDER THE PRIVILEGE TO PRACTICE.

(A) FAILURE TO ADHERE TO THE *PROFESSIONAL CODE OF CONDUCT* SHALL BE REFERRED TO BOTH THE EMS CLINICIAN'S HOME STATE AND REMOTE STATE FOR INVESTIGATION AND MAY BE GROUNDS FOR RESTRICTION, SUSPENSION, OR REVOCATION OF THE EMS CLINICIAN'S PRIVILEGE TO PRACTICE, AS PROVIDED BY THE RULES OF THE COMMISSION.

(B) THE HOME STATE AND REMOTE STATE SHALL COORDINATE ON ANY DISCIPLINARY ACTIONS RELATED TO VIOLATIONS OF THE *PROFESSIONAL CODE OF CONDUCT* THAT AFFECT THE EMS CLINICIAN'S PRIVILEGE TO PRACTICE.

(C) THE COMMISSION SHALL NOTIFY ALL MEMBER STATES OF ANY DISCIPLINARY ACTIONS OR SANCTIONS IMPOSED IN RELATION TO VIOLATIONS OF THE *PROFESSIONAL CODE OF CONDUCT*

(D) THE *PROFESSIONAL CODE OF CONDUCT* SHALL BE REVIEWED AND UPDATED AS NECESSARY BY THE COMMISSION. THE MOST CURRENT VERSION OF THE *PROFESSIONAL CODE OF CONDUCT* WILL BE MADE AVAILABLE ON THE COMMISSION'S WEBSITE.

SECTION 5. Not Used

SECTION 6. Not Used

SECTION 7. Not Used

SECTION 8. Adverse Actions

8.0 Investigation.

(A) Member States ~~SHALL~~ ~~may~~ collaborate in investigating alleged individual misconduct.

(B) In those cases where the subject is licensed by one or more Member States and therefore has more than one Home State, the responsibility for the investigation shall fall to the Home State that Licenses, certifies, Commissions, or otherwise authorizes the agency or appropriate authority for which the subject was providing patient care when the alleged misconduct occurred.

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- 232 (C) Upon discovery that an EMS CLINICIAN individual is under investigation in another
233 Member State, the Member State may contact the investigating Member State and
234 request investigative documents and information.
- 235 (D) This section shall not be construed as limiting any Member State's authority to
236 investigate any conduct within that State, or to investigate any Licensee.

8.1 Reporting of adverse actions.

- 238 (A) A Remote State that imposes adverse action against an EMS CLINICIAN'S individual
239 privilege to practice, shall notify the Commission as soon as possible, but no later than
240 two (2) business days after the imposition of the adverse action.
- 241 (B) A Home State that imposes adverse action against an EMS CLINICIAN'S individual
242 License shall notify the Commission as soon as possible, but no later than two (2)
243 business days after the imposition of the adverse action and notify the individual in
244 writing that the individual's Remote State Privilege to Practice is revoked.
- 245 (C) Member States are not required to report any other information regarding adverse
246 actions to the Commission other than what is available in the public record of the
247 reporting Member State though nothing herein shall prohibit a Member State from
248 sharing with another Member State, or a non-Member State, such additional
249 information as the Member State concludes is appropriate.

SECTION 9. Not Used

SECTION 10. The Commission.

10.0 (Reserved)

254 **10.1 New Member State.** The Commission shall notify all Member States within fifteen (15)
255 calendar days when a new Member State enacts the Compact.

10.2 Process for Review of New State Laws or Amendments to Compacts:

- 257 (A) Upon enactment by any State, commonwealth, district, or territory of the United
258 States, of a law intended as that jurisdiction's adoption of the Compact, the Executive
259 Committee shall review the enacted law to determine whether it contains any
260 provisions which materially conflict with the Compact Model Legislation.
- 261 (1) To the extent possible and practicable, this determination shall be made by the
262 Executive Committee after the date of enactment but before the effective date
263 of such law. If the timeframe between enactment and effective date is
264 insufficient to allow for this determination to be made by the Executive
265 Committee prior to the law's effective date, the Executive Committee shall
266 make the determination required by this paragraph as soon as practicable after
267 the law's effective date. The fact that such a review may occur subsequent to
268 the law's effective date shall not impair or prevent the application of the
269 process set forth in this Section 10.2.

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- 270 (2) If the Executive Committee determines that the enacted law contains no
271 provision which materially conflicts with the Compact Model Legislation, the
272 State shall be admitted as a party to the Compact and to membership in the
273 Commission pursuant to Section 10 of the Compact Model Legislation upon
274 the effective date of the State's law and thereafter be subject to all rights,
275 privileges, benefits and obligations of the Compact, these Rules and the
276 bylaws.
- 277 (3) In the event the enacted law contains one or more provisions which the
278 Executive Committee determines materially conflicts with the Compact Model
279 Legislation, the State shall be ineligible for membership in the Commission or
280 to become a party to the Compact, and the State shall be notified in writing
281 within fifteen (15) business days of the Executive Committee's decision.
- 282 (4) A State deemed ineligible for Compact membership and Commission
283 participation pursuant to this Section 10.2 shall not be entitled to any of the
284 rights, privileges or benefits of a Compact State as set forth in the Compact,
285 these Rules and/or the bylaws. Without limiting the foregoing, a State deemed
286 ineligible for membership and participation shall not be entitled to appoint a
287 Commissioner, to receive non-public data from the Coordinated Database
288 and/or to avail itself of the default and technical assistance provisions of the
289 Compact. EMS Practitioners Licensed in a State deemed ineligible for
290 membership and participation hereunder shall be ineligible for the Privilege to
291 Practice set forth in the Compact and these Rules.
- 292 (B) A State determined to be ineligible for Commission membership and Compact
293 participation pursuant to this Section 10.2 may, within thirty (30) calendar days of the
294 date of the decision, appeal in writing the Executive Committee's decision to the
295 Commission. An appeal received by the Commission shall be deemed filed on the date
296 it is sent to the Commission. If there is an appeal to the Commission, the Commission
297 shall review de novo whether the State's enacted law materially conflicts with the
298 Compact Model Legislation. The provisions of 10.2(A)(4) of these Rules shall apply
299 during the pendency of any such appeal. The decision of the Commission may be
300 appealed within thirty (30) calendar days of the date of its decision to a court of
301 competent jurisdiction subject to the venue provisions of Section 10(A)(2) of the
302 Compact. The appealing State shall bear all costs of the appeal and the Commission
303 shall not bear any costs relating to the appeal.
- 304 (C) Subsequent to the determination that a State's enacted law contains provision(s) which
305 materially conflict(s) with the Compact Model Legislation, the State may enact new
306 legislation to remove the conflict(s). The new legislation shall be reviewed as set forth
307 in this Section 10.2(A) and (B) above.
- 308 (D) In the event a Compact State, subsequent to its enactment of the Compact, enacts
309 amendment(s) to its Compact law, or enacts another law or laws which may in any
310 way alter or impact any provision or application of the State's enacted Compact law,
311 the Compact State shall so inform the Commission within fifteen (15) business days of
312 the enactment of such amendment(s) or law(s). After being so informed by the

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313 Compact State, or learning of such amendment(s) or law(s) from any other source, the
314 Commission shall review the amendment(s) or law(s) to determine if such
315 amendment(s) or law(s) materially conflict with the State's enacted Compact law. In
316 the event the Commission determines such amendment(s) or law(s) materially
317 conflict(s) with the Compact, the Commission shall determine if the amendment(s) or
318 law(s) constitute a condition of default pursuant to Section 13(B) of the Compact and,
319 if so, proceed according to the process established in Section 13 and Commission
320 Rules.

- 321 (E) For the purpose of determining whether a State's law intended as enactment of the
322 Compact, or any provision of any enacted law or amendment, materially conflicts with
323 the Compact Model Legislation or the State's enacted Compact, the Executive
324 Committee and the Commission shall consider the following, among other factors:
- 325 (1) Whether the provision constitutes a material alteration of the rights and
326 obligations of the enacting State or of Member States.
 - 327 (2) Whether the provision enlarges the liability or compromises the immunity of
328 the Commission or any authorized agent of the Commission.
 - 329 (3) Whether the provision modifies venue in proceedings involving the
330 Commission.
 - 331 (4) Whether the provision restricts the privileges or authorizations to practice as
332 set forth in the Compact Model Legislation.
 - 333 (5) Whether the provision would allow the State to negate or delay the
334 applicability of a duly promulgated Commission Rule in the State.
 - 335 (6) Whether the provision would result in the reduction or elimination of fees,
336 levies or assessments payable by the State.
 - 337 (7) Whether the provision fundamentally alters the nature of the agreement entered
338 into by Member States that have adopted the Compact.
 - 339 (8) Whether there is a remedial mechanism, satisfactory to the Executive
340 Committee and/or Commission, whereby the effect of such law or amendment
341 can be mitigated to minimize or eliminate the practical effect of any material
342 conflict.
 - 343 (9) Whether the provision strikes or amends Compact Model Legislation language
344 based upon a provision of the Compact Model Legislation being contrary to
345 the Constitution of that State, and the Executive Committee and/or
346 Commission determines that the remainder of the Compact can be
347 implemented effectively, and without compromising the rights of the
348 Commission and the Member States, without such provision, to the extent the
349 Executive Committee and/or Commission concur that such provision is
350 unconstitutional in the State.

351 **10.3 New Member State Implementation.** New States admitted as a party to the Compact and to
352 membership shall within three (3) calendar months from the enactment date, or as otherwise

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353 specified in the enabling legislation, provide the Commission an implementation plan and
354 implementation date.

355 **10.4 Commissioner Appointment.**

356 (A) Member States shall:

- 357 (1) appoint one delegate, also known as a Commissioner, to serve on the
358 Commission, in accordance with Section 10(B)(1) of the Compact Model
359 Legislation; and
- 360 (2) ensure the appointed Commissioner is the responsible official of the State EMS
361 Authority or his designee;
- 362 (3) ensure any Commissioner vacancy is promptly filled within thirty (30)
363 calendar days.

364 (B) In the event that more than one State entity (Committee, office, department, agency,
365 etc.) has the legislative authority to License EMS Practitioners, the Governor shall
366 determine which entity will be responsible for assigning the delegate.

367 (C) Appointed Commissioners shall not be represented by or vote by proxy.
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369 **SECTION 11. Coordinated Database**

370 **11.0 THE COORDINATED DATABASE — GENERAL (Reserved)**

371 (A) **COORDINATED DATABASE OWNERSHIP.** THE COORDINATED DATABASE IS OWNED,
372 OPERATED, MANAGED, AND CONTROLLED BY THE COMMISSION.

373 (B) **DATA OWNERSHIP.**

374 (1) **MEMBER STATE DATA:** Member State data refers to any data provided by the
375 Member State. All data submitted by a Member State to the Coordinated
376 Database remains the property of the Member State. Any use of the data in the
377 Coordinated Database, other than that expressly allowed by the Commission, is
378 prohibited.

379 (2) **DERIVED DATA:** DERIVED DATA REFERS TO ANY DATA THAT IS GENERATED OR
380 PRODUCED BY THE COMMISSION FROM MEMBER STATE DATA OR OTHER
381 EXTERNAL DATA SOURCES. DERIVED DATA INCLUDES ANALYSES, REPORTS, AND
382 AGGREGATED STATISTICS CREATED BY THE COMMISSION. DERIVED DATA IS
383 OWNED BY THE COMMISSION.

384 (3) **COMPACT DATA:** COMPACT DATA REFERS TO ANY DATA THAT IS GENERATED
385 DIRECTLY BY THE COMPACT ITSELF, INDEPENDENT OF MEMBER STATE
386 SUBMISSIONS OR THIRD-PARTY DATA. THIS INCLUDES INTERNAL
387 ADMINISTRATIVE DATA, OPERATIONAL METRICS, AND OTHER INFORMATION
388 PRODUCED BY THE COMPACT'S ACTIVITIES. EXAMPLES OF COMPACT DATA
389 INCLUDE THE PRIVILEGE TO PRACTICE STATUS AND HISTORY. COMPACT DATA IS
390 OWNED BY THE COMMISSION.

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- 391 (4) **THIRD-PARTY DATA:** THE COMMISSION MAY INCORPORATE ADDITIONAL
392 THIRD-PARTY DATA FROM GOVERNMENT AND/OR NON-GOVERNMENT SOURCES
393 INTO THE COORDINATED DATABASE FOR THE PURPOSE OF THE COMMISSION
394 FULFILLING ITS LEGISLATIVE MANDATES. THIRD-PARTY DATA REMAINS THE
395 PROPERTY OF THE DATA OWNER PROVIDING THE DATA, UNLESS OTHERWISE
396 SPECIFIED IN DATA USE AGREEMENTS. THIS DATA IS UNDER THE CUSTODY AND
397 CONTROL OF THE COMMISSION.

398 11.1 DATA SUBMISSION AND VALIDATION ~~Coordinated Database~~—General

- 399 (A) **Method of data submission.** Member States shall submit the Uniform Data Set
400 described in Section 11.3 of these Rules to the Coordinated Database. ~~in accordance~~
401 ~~with the Compact Data Participation Agreement.~~
- 402 (1) ~~—Data ownership.~~ All data submitted by a Member State to the Coordinated
403 Database remains the property of the Member State. Any use of the data in the
404 Coordinated Database other than that expressly allowed by the Commission is
405 prohibited.
- 406 (2) ~~—A Member State may designate Member State information that may not be~~
407 ~~shared with the public without the express permission of the contributing State.~~
- 408 (B) ~~—Access to the Coordinated Database.~~ Member States shall have access to the
409 Uniform Data Set submitted by other Member States.
- 410 (B) **PRIMARY SOURCE EQUIVALENCY.** MEMBER STATE DATA RECORDS IN THE
411 COORDINATED DATABASE ARE AN ACCURATE REFLECTION OF THE MEMBER STATE
412 LICENSURE STATUS FOR EMS CLINICIANS. THE COORDINATED DATABASE STATUS IS
413 EQUIVALENT TO VALIDATING AN EMS CLINICIAN’S STATUS DIRECTLY WITH THE
414 MEMBER STATE.
- 415 (C) **Implementation.** A NEW Member State shall ~~have thirty (30) days to initially~~ provide
416 the ~~Member State’s~~ Uniform Data Set to the Coordinated Database IN THE FORM AND
417 FORMAT SPECIFIED BY THE COMMISSION. In the event a Member State does not SUBMIT
418 ~~collect one or more elements of~~ the Uniform Data Set, the Member State shall BE IN
419 DEFAULT OF THE REQUIREMENTS OF THE COMPACT AND THE COMMISSION. IN
420 SITUATIONS WHERE THERE IS A DEFAULT IN THE SUBMISSION OF THE UNIFORM DATA
421 SET BY A MEMBER STATE, THE COMMISSION SHALL FOLLOW THE REQUIREMENTS IN
422 SECTION 13. ~~initially submit all elements currently collected within thirty (30) days~~
423 ~~and shall collect and submit any missing elements within eighteen (18) months.~~
- 424 (D) **Maintenance of Uniform Data Set.** The accuracy of MEMBER STATE DATA
425 SUBMITTED TO AND ~~information~~ maintained in the Coordinated Database, ~~to the extent~~
426 ~~it is possible,~~ shall be the responsibility of Member States.
- 427 (E) **Correction of records.** In the event an EMS CLINICIAN ~~individual~~ asserts that the
428 individual’s Uniform Data Set information is inaccurate, the ~~individual~~ COMMISSION
429 shall DIRECT THE EMS CLINICIAN TO THE DATA OWNER TO RESEARCH THE CLAIM, AND,
430 IF NECESSARY, MODIFY THE DISPUTED RECORD(S). THE COMMISSION SHALL NOT MODIFY
431 MEMBER STATE DATA OR THIRD PARTY DATA. ~~provide evidence in a manner~~
432 ~~determined by the individual’s Home State that substantiates such claim. A Home~~

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433 ~~State shall verify and submit to the Commission an amendment to correct the Uniform~~
434 ~~Data Set of an individual.~~

435 **11.2 CONDITIONS AND PROCEDURES FOR AUTHORIZED USERS OF THE COORDINATED DATABASE**

436 **(A) MEMBER STATE ACCESS**

437 (1) **ACCESS RIGHTS:** MEMBER STATE COMMISSIONERS, AND DELEGATE USER(S)
438 AUTHORIZED BY THE COMMISSIONER, SHALL HAVE ACCESS TO THE
439 COORDINATED DATABASE.

440 (2) **CONTROL AND AUTHORIZATION:** MEMBER STATE DELEGATE USER(S) ACCESS
441 SHALL BE CONTROLLED BY THE MEMBER STATE COMMISSIONER. THE
442 COMMISSIONER IS RESPONSIBLE FOR DESIGNATING STATE EMPLOYEES WITH A
443 BONA FIDE NEED TO KNOW REQUIREMENT TO HAVE ACCESS TO THE
444 COORDINATED DATABASE. THE COMMISSION SHALL SUBMIT REQUESTS FOR
445 USER ACCOUNTS AND ACCESS IN WRITING TO THE COMMISSION. THE
446 COMMISSIONER SHALL NOTIFY THE COMMISSION PROMPTLY, IN WRITING, BUT
447 WITHIN 72 HOURS IF ANY DELEGATE USER IS NO LONGER EMPLOYED BY THE
448 MEMBER STATE OR SHOULD HAVE ACCESS REMOVED.

449 (3) **REVIEW PROCESS:** COMMISSIONERS SHALL REVIEW THE DELEGATE ACCOUNTS
450 ON AT LEAST A QUARTERLY BASIS.

451 (4) **USAGE LIMITATION:** ACCESS TO THE COORDINATED DATABASE IS FOR
452 OFFICIAL, GOVERNMENT USE ONLY.

453 **(B) GOVERNMENT ACCESS**

454 (1) **ACCESS RIGHTS:** GOVERNMENT ENTITIES MAY REQUEST LIMITED ACCESS TO
455 THE COORDINATED DATABASE. ACCESS IS RESTRICTED TO GOVERNMENTAL
456 AGENCIES APPROVED BY THE COMMISSION.

457 (2) **QUERY CAPABILITIES:** AUTHORIZED GOVERNMENTAL AGENCIES, FOR
458 OFFICIAL PURPOSES, MAY QUERY THE COORDINATED DATABASE VIA A FIRST
459 NAME AND LAST NAME, NATIONAL EMS ID NUMBER, STATE LICENSE
460 NUMBER, NATIONAL REGISTRY NUMBER, OR SOCIAL SECURITY NUMBER.

461 (3) **DATA ACCESS:** IN ADDITION TO ALL DATA CATEGORIZED AS PUBLIC
462 INFORMATION LISTED IN SECTION 11.2(C)2, GOVERNMENT AGENCIES SHALL
463 HAVE ACCESS TO THE FOLLOWING:

464 (A) STATE LICENSE STATUS

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465 (B) INDICATION IF FINAL DISCIPLINARY OR ADVERSE ACTION HAS BEEN
466 TAKEN, IN THE FORM OF A FINAL NATIONAL PRACTITIONER DATA
467 BANK REPORT SUBMISSION.

468 (C) PUBLIC ACCESS

469 (1) **QUERY CAPABILITIES:** THE PUBLIC SHALL HAVE THE ABILITY TO QUERY THE
470 COORDINATED DATABASE VIA A SECURE WEBSITE OR WEBSERVER. THE PUBLIC
471 PORTAL SHALL BE LIMITED TO QUERYING A SINGLE EMS CLINICIAN AT A TIME,
472 AND THE QUERY MAY BE INITIATED BY ENTERING A VALID 12-DIGIT NATIONAL
473 EMS ID NUMBER, THE EMS CLINICIAN'S FIRST NAME AND LAST NAME, OR A
474 STATE LICENSE NUMBER.

475 (2) **DISPLAYED INFORMATION:** THE COMMISSION MAY DISPLAY THE FOLLOWING
476 INFORMATION WHEN A VALID NATIONAL EMS ID NUMBER IS PROVIDED:

477 (A) FIRST NAME

478 (B) LAST NAME

479 (C) NATIONAL EMS ID NUMBER

480 (D) PRIVILEGE TO PRACTICE STATUS

481 (E) STATE LICENSURE STATUS

482 (F) STATE NUMBER/IDENTIFIER

483 (G) JURISDICTION(S) ISSUING THE LICENSE

484 (H) LICENSE LEVEL(S)

485 (I) LICENSE EXPIRATION DATE(S)

486 (J) THIRD-PARTY DATA AS AUTHORIZED BY THE COMMISSION.

487 (D) EMPLOYER ACCESS

488 (1) **INDIVIDUAL EMS CLINICIAN SEARCH:** AN EMPLOYER OF AN EMS CLINICIAN
489 MAY QUERY A SINGLE EMS CLINICIAN AT A TIME, AND THE QUERY MAY BE
490 INITIATED BY ENTERING A VALID 12-DIGIT NATIONAL EMS ID NUMBER, THE
491 EMS CLINICIAN'S FIRST NAME AND LAST NAME, OR A STATE LICENSE
492 NUMBER.

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- 493 (2) **BULK SEARCH CAPABILITY:** AN EMPLOYER OF AN EMS CLINICIAN MAY
494 PERFORM BULK SEARCHES OF EMS CLINICIANS USING NATIONAL EMS ID
495 NUMBERS IN A FORM AND FORMAT SPECIFIED BY THE COMMISSION.
- 496 (3) **USER ACCOUNT VALIDATION:** EMPLOYERS OF EMS CLINICIANS MUST HAVE A
497 VALIDATED USER ACCOUNT TO ACCESS THE SYSTEM.
- 498 (4) **DISPLAYED INFORMATION:** EMPLOYERS OF EMS CLINICIANS WILL HAVE
499 ACCESS TO THE PUBLIC ACCESS DATA FOR EACH EMPLOYEE SEARCHED.
- 500 (E) **GENERAL PROVISIONS**
- 501 (1) **AUTHORIZATION:** ALL REQUESTS AND DESIGNATIONS MUST BE MADE IN
502 ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE COMMISSION.
- 503 (2) **REVIEW AND AUDIT:** THE COMMISSION RESERVES THE RIGHT TO REVIEW AND
504 AUDIT ACCESS LOGS TO ENSURE COMPLIANCE WITH ESTABLISHED RULES AND
505 REGULATIONS.
- 506 **11.32 Uniform Data Set.** Member States ~~SHALL~~ ~~must~~ submit the following Uniform Data Set to the
507 Coordinated Database at the frequency indicated.
- 508 (A) **Identifying information.** The following information for each **EMS CLINICIAN**
509 ~~individual~~ who is Licensed must be reported within ten (10) business days of
510 completion of licensure application process. Any changes must be reported within ten
511 (10) business days of the change being processed by the Member State.
- 512 (1) Full legal name (first, middle, last); and
513 (2) suffix (if applicable); and
514 (3) date of birth (month, day, year); and
515 (4) Mailing address; and
516 (5) eMail address; and
517 (6) Phone number; and
518 (7) identification number (one or both of the following):
519 (a) Social Security Number
520 (b) National EMS ID number.
- 521 (B) **Licensure data.** The following information for each **EMS CLINICIAN individual** who
522 is Licensed in the Member State must be reported within ten (10) business days of
523 completion of licensure process. Any changes must be reported within ten (10)
524 business days of the change being processed by the Member State.
- 525 (1) State of licensure; and
526 (2) License level; and

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- 527 (3) effective date of License; and
528 (4) expiration date of License; and
529 (5) License number; and
530 (6) License status (if applicable, i.e. inactive, temporary, etc.)
- 531 (C) **Significant investigative information.** **IN THE FULFILLMENT OF PUBLIC PROTECTION,**
532 **MEMBER STATES SHALL SUBMIT SIGNIFICANT INVESTIGATIVE INFORMATION TO THE**
533 **COORDINATED DATABASE, INCLUDING BUT NOT LIMITED TO:** ~~The following~~
534 ~~information must be reported as soon as possible, but no later than two (2) business~~
535 ~~days of the Member State completing the preliminary inquiry:~~
- 536 (1) subject's identifying information as Stated in section 11.3(A) of these Rules;
537 and
538 (2) declaration of the existence of an investigation or pending adverse action
539 related to the incident or act of misconduct.
- 540 (D) **Adverse actions imposed on an individual's License.** The following information
541 must be reported as soon as possible, but no later than two (2) business days of
542 imposition of the adverse action. Any changes to the status of the adverse action must
543 be reported as soon as possible, but no later than two (2) business days of the change
544 being processed by the Member State:
- 545 (1) subject's identifying information as Stated in Section 11.32(A) of these Rules;
546 and
547 (2) summary description of the incident or act of misconduct; and
548 (3) declaration of the existence of a criminal investigation or pending criminal
549 charges related to the incident or act of misconduct; and
550 (4) declaration of the action taken by the Member State; and
551 (5) effective date of the action taken; and
552 (6) duration of the action.
- 553 (E) **Privilege to practice status.** The information as described in section 4.1 of these
554 Rules for each **EMS CLINICIAN individual** Licensed by the Member State must be
555 reported within one (1) month of the effective date of the Privilege to Practice status.
556 Any changes to the Privilege to Practice status must be reported as soon as possible,
557 but no later than two (2) business days of the change being processed by the Member
558 State.
- 559 (F) **Non-confidential alternative program participation information.** To the extent
560 allowed by a Member State's laws, non-confidential information concerning an **EMS**
561 **CLINICIAN'S individual** participation in an alternative program will be reported.
- 562 (G) **DENIAL OF APPLICATION FOR LICENSURE. ANY FINAL DENIAL OF APPLICATIONS FOR**
563 **LICENSURE, DUE TO SIGNIFICANT CAUSE OR PUBLIC PROTECTION CONCERNS, MUST BE**
564 **REPORTED WITHIN TWO (2) DAYS OF THE DENIAL. THE FOLLOWING INFORMATION SHALL**
565 **BE REPORTED TO THE COORDINATED DATABASE:**

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- 566 ~~(1) Any denial of applications for licensure. The following information must be~~
567 ~~reported within one month of the denial:-~~
- 568 (1) Applicant's identifying information as Stated in Section 11. 32(A) of these
569 Rules; and
- 570 (2) Summary of the reason for denial, SPECIFICALLY HIGHLIGHTING THE CAUSE OR
571 PUBLIC PROTECTION CONCERNS; and
- 572 (3) Declaration, IF APPLICABLE, of the existence of a criminal investigation or
573 pending criminal charges related to the denial; and
- 574 (4) DECLARATION OF ANY RESTRICTIONS ON FUTURE APPLICATIONS FOR LICENSURE,
575 OR A STATEMENT INDICATING THAT THERE ARE NO SUCH RESTRICTIONS
576 ~~declaration of the duration of the denial.~~
- 577 (H) **Other acts of misconduct or criminal convictions.** Individual acts of misconduct or
578 criminal convictions that a Member State becomes aware of, from sources other than
579 the FBI background check that may result in action against an EMS CLINICIAN'S
580 individual License or Privilege to Practice in any Member State must be reported as
581 soon as possible, but no later than two (2) business days of discovery by the State
582 making the discovery.
- 583 (I) **Compliance with 28 C.F.R. §20.3.** Nothing in these Rules shall require or permit the
584 sharing or reporting of Criminal History Record Information as that term is defined in
585 28 C.F.R. §20.3 in a manner that is prohibited by law.

11.4 DATA DISCLOSURE, INSPECTION OF RECORDS, AND REQUESTS.

587 (A) **EXEMPTION FROM DISCLOSURE.** THE FOLLOWING COMMISSION RECORDS SHALL BE
588 EXEMPT FROM PUBLIC INSPECTION OR DISCLOSURE REQUESTS:

- 589 (1) THE FOLLOWING EMS CLINICIAN INFORMATION:
- 590 A. PERSONAL IDENTIFYING INFORMATION; AND
- 591 B. PERSONAL CONTACT INFORMATION; AND
- 592 C. DISCIPLINARY RECORDS; AND
- 593 D. ANY DATA ELEMENTS LABELED AS CONFIDENTIAL BY THE DATA OWNER.
- 594 (2) THE FOLLOWING INTERNAL COMMISSION RECORDS:
- 595 A. PERSONNEL RECORDS OF COMMISSION STAFF;
- 596 B. COMMISSION PERSONNEL PRACTICE AND PROCEDURES;
- 597 C. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
598 STATE STATUTES
- 599 D. TRADE SECRETS, COMMERCIAL, OR FINANCIAL INFORMATION THAT IS
600 PRIVILEGED OR CONFIDENTIAL;
- 601 E. CENSURES AND ACCUSATIONS OF A CRIME;

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- 602 F. PERSONAL INFORMATION WHERE DISCLOSURE WOULD CONSTITUTE AN
603 UNWARRANTED INVASION OF PERSONAL PRIVACY;
- 604 G. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
- 605 H. INFORMATION THAT SPECIFICALLY RELATES TO A CIVIL ACTION OR
606 OTHER LEGAL PROCEEDING EXCEPT BY ORDER OF A COURT WITH
607 JURISDICTION;
- 608 I. CLOSED SESSION RECORDS RELATED TO ANY OF THE ABOVE TOPICS;
- 609 J. RECORDS THAT CONTAIN LEGAL ADVICE OR ATTORNEY-CLIENT
610 COMMUNICATIONS OR ATTORNEY WORK PRODUCT;
- 611 K. CONFIDENTIAL MEDIATION OR ARBITRATION DOCUMENTS.
- 612 (3) AFTER CONSULTATION WITH COUNSEL, THE COMMISSION MAY DESIGNATE
613 RECORDS NOT DESIGNATED EXEMPT UNDER SECTIONS (1) OR (2) TO BE
614 CONFIDENTIAL AND NOT AVAILABLE TO THE PUBLIC FOR INSPECTION.
- 615 (A) **DIRECTION OF DATA REQUESTS:** THE COMMISSION SHALL DIRECT ALL REQUESTS FOR
616 DATA THAT ARE NOT OTHERWISE PUBLISHED OR ACCESSIBLE BY THE DATA REQUESTOR
617 TO THE DESIGNATED DATA OWNER.
- 618 (B) **RESTRICTION ON RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION AND**
619 **SENSITIVE DATA:** THE COMMISSION SHALL NOT RELEASE OR GENERATE PUBLIC
620 REPORTS THAT CONTAIN PERSONALLY IDENTIFIABLE INFORMATION, INFORMATION THAT
621 IS EXEMPT FROM DISCLOSURE UNDER THESE RULES, OR SENSITIVE DATA. ALL MEASURES
622 SHALL BE TAKEN TO ENSURE THAT SUCH INFORMATION REMAINS CONFIDENTIAL AND
623 SECURE.
- 624 (C) **SECURITY AND PROTECTION:** THE COMMISSION SHALL TAKE ALL NECESSARY
625 PRECAUTIONS TO PROTECT THE SECURITY AND INTEGRITY OF THE INFORMATION
626 CONTAINED IN THE COORDINATED DATABASE. THIS INCLUDES IMPLEMENTING ROBUST
627 SECURITY MEASURES AND PROTOCOLS TO PREVENT UNAUTHORIZED ACCESS,
628 DISCLOSURE, OR MISUSE OF DATA.
- 629 (D) **GENERATION OF PUBLIC REPORTS:** THE COMMISSION MAY, AT ITS SOLE DISCRETION,
630 GENERATE PUBLIC REPORTS THAT INCLUDE SUMMARIZED STATISTICS AND ANALYTICS
631 ON THE EMS WORKFORCE. THESE REPORTS SHALL NOT CONTAIN PERSONALLY
632 IDENTIFIABLE INFORMATION OR SENSITIVE DATA AND WILL BE DESIGNED TO PROVIDE
633 VALUABLE INSIGHTS AND TRENDS WITHOUT COMPROMISING INDIVIDUAL PRIVACY.

SECTION 12. Rulemaking

- 635 **12.0 Proposed Rules or amendments.** Proposed Rules or amendments to the Rules shall be
636 adopted by majority vote of the members of the Commission. Proposed new Rules and
637 amendments to existing Rules shall be submitted to the Commission office for referral to the
638 Rules committee as follows:
639

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640 (A) Any Commissioner may submit a proposed Rule or Rule amendment for referral to the
641 Rules committee during the next scheduled Commission meeting. This proposal shall
642 be made in the form of a motion and approved by a majority vote of a quorum of the
643 Commission members present at the meeting.

644 (B) Standing committees of the Commission may propose Rules or Rule amendments by
645 majority vote of that Committee.

646 **12.1 Preparation of draft Rules.** The Rules committee shall prepare a draft of all proposed Rules
647 and provide the draft to all Commissioners for review and comments. Based on the comments
648 made by the Commissioners the Rules Committee shall prepare a final draft of the proposed
649 Rule(s) or amendments for consideration by the Commission not later than the next
650 Commission meeting.

651 **12.2 Publication of draft Rules.** Prior to promulgation and adoption of a final Rule (in accordance
652 with Section 12 of the Compact) the Commission shall publish the text of the proposed Rule
653 or amendment prepared by the Rules committee not later than sixty (60) days prior to the
654 meeting at which the vote is scheduled, on the official website of the Commission and in any
655 other official publication that may be designated by the Commission for the publication of its
656 Rules. All written comments received by the Rules committee on proposed Rules shall be
657 posted on the Commission's website upon receipt. In addition to the text of the proposed Rule
658 or amendment, the reason for the proposed Rule shall be provided.

659 **12.3 Notification.** Each administrative Rule or amendment shall State:

660 (A) The place, time, and date of the scheduled public hearing, if any;

661 (B) The manner in which interested persons may submit notice to the Commission of their
662 intention to attend the public hearing and any written comments; and

663 (C) The name, position, physical and electronic mail address, telephone, and telefax
664 number of the person to whom interested persons may respond with notice of their
665 attendance and written comments.

666 **12.4 Public Hearings.** Every public hearing shall be conducted in a manner guaranteeing each
667 person who wishes to comment a fair and reasonable opportunity to comment. In accordance
668 with Section 12.H. of the Compact, specifically:

669 (A) If a hearing is held on the proposed Rule or amendment, the Commission shall publish
670 the place, time, and date of the scheduled public hearing.

671 (B) All persons wishing to be heard at the hearing shall notify the Chairperson of the
672 Commission or other designated member in writing of their desire to appear and
673 testify at the hearing not less than five (5) business days before the scheduled date of
674 the hearing.

675 (C) Hearings shall be conducted in a manner providing each person who wishes to
676 comment a fair and reasonable opportunity to comment orally or in writing.

677 (D) No transcript of the public hearing is required, unless a written request for a transcript
678 is made; in which case the person or entity making the request shall pay for the
679 transcript. A recording may be made in lieu of a transcript under the same terms and

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- 680 conditions as a transcript. This subsection shall not preclude the Commission from
681 making a transcript or recording of the public hearing.
- 682 (E) Nothing in this section shall be construed as requiring a separate hearing on each Rule.
683 Rules may be grouped for the convenience of the Commission at hearings required by
684 this section.
- 685 (F) Following the scheduled hearing date, or by the close of business on the scheduled
686 hearing date if the hearing was not held, the Commission shall consider all written and
687 oral comments received.
- 688 (G) The Commission shall, by majority vote of a quorum of the Commissioners, take final
689 action on the proposed Rule and shall determine the effective date of the Rule, if any,
690 based on the Rulemaking record and the full text of the Rule.

691 **12.5 Status of Rules upon adoption of additional Member States.** Any State that joins the
692 Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the
693 Rules as they exist on the date on which the Compact becomes law in that State. Any Rule
694 that has been previously adopted by the Commission shall have the full force and effect of
695 law on the day the Compact becomes law in that State.

696 **12.6 Emergency Rulemaking.** Upon determination that an emergency exists, the Commission
697 may consider and adopt an emergency Rule that shall become effective immediately upon
698 adoption, provided that the usual Rulemaking procedures provided in the Compact and in this
699 section shall be retroactively applied to the Rule as soon as reasonably possible, in no event
700 later than ninety (90) days after the effective date of the Rule. An emergency Rule is one that
701 must be made effective immediately in order to:

- 702 (A) Meet an imminent threat to public health, safety, or welfare;
- 703 (B) Prevent a loss of federal or State funds;
- 704 (C) Meet a deadline for the promulgation of an administrative Rule that is established by
705 federal law or Rule; or
- 706 (D) Protect public health and safety.
- 707

708 SECTION 13. Compliance Issues and Dispute Resolution Process

709 13.1 Initiation of Compliance

- 710 (A) Compliance issues shall be initiated by the Executive Committee.
- 711 (B) The Executive Committee shall first seek to provide remedial education and specific
712 technical assistance for any potential default.
- 713 (C) For unresolved potential defaults, the Executive Committee shall send a written notice
714 of non-compliance to the Commissioner in the Member State with the alleged non-
715 compliance issue. The State shall respond in writing within thirty (30) calendar days.
- 716 (1) If the Member States does not have a designated Commissioner, the written
717 notice of non-compliance shall be sent to the Governor of the Member State.

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- 718 (3) If the State fails to respond to the written notice, the Executive Committee,
719 through the Executive Director, shall send a written notice of non-compliance
720 to the Governor of the Member State, copied to the Commissioner, with the
721 alleged non-compliance issue.
- 722 (3) If the response, in the determination of the Executive Committee fails to
723 reasonably resolve the non-compliance issue, the Executive Committee shall
724 request a written Plan of Correction.
- 725 (D) The Executive Committee shall provide a report and make a recommendation to the
726 Commission concerning issues of non-compliance that:
- 727 (1) do not have an approved Plan of Correction, with progress; or
728 (2) remain unresolved for three (3) or more calendar months.
- 729 (E) Grounds for default include but are not limited to, failure of a Compact State to
730 perform obligations or responsibilities imposed by the Compact, Commission Bylaws,
731 or duly promulgated Rules.
- 732 (F) If the Commission determines that a Compact State has at any time defaulted in the
733 performance of any of its obligations or responsibilities under the Compact, Bylaws or
734 duly promulgated Rules, the Commission shall notify the Commissioner and Governor
735 of the defaulting Compact State in writing. The Commission may impose any or all of
736 the following remedies:
- 737 (1) Remedial education and technical support as directed by the Commission;
738 (2) Damages and/or costs in such amounts as are deemed to be reasonable as fixed
739 by the Commission;
740 (3) Suspension of membership in the Compact; and
741 (4) Termination of membership in the Compact as provided in the Model
742 Legislation and administrative Rules.
- 743 (G) The Commission shall not bear any costs relating to the defaulting Compact State
744 unless otherwise mutually agreed upon between the Commission and the defaulting
745 Compact State.

13.2 Dispute Resolution Process – Informal, Mediation and Arbitration.

- 747 (A) The Commissioner from each Compact State shall enforce the Compact and take all
748 actions necessary and appropriate to carry out the Compact's purpose and intent. The
749 Commission supports efforts to resolve disputes between and among Compact States
750 and encourages communication directly between Compact States prior to employing
751 formal resolution methods.
- 752 (B) Any Compact State may submit a written request to the Executive Committee for
753 assistance in interpreting the law, Rules, and policies of the Compact. The Executive
754 Committee may seek the assistance of the Commission's legal counsel in interpreting
755 the Compact. The Executive Committee shall issue the Commission interpretation of
756 the Compact to all parties to the dispute.

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- 757 (C) Before submitting a complaint to the Executive Committee, the complaining Member
758 State and responding Member State shall attempt to resolve the issues without
759 intervention by the Commission.
- 760 (D) When disputes among Member States are unresolved through informal attempts, the
761 Commission shall request assistance from the Executive Committee.
- 762 (1) It is the duty of the Executive Committee to address disputes between or
763 among the Member States concerning the Compact when informal attempts
764 between the Compact States to resolve disputes have been unsuccessful.
- 765 (2) The Executive Committee, on behalf of the Commission, in the reasonable
766 exercise of its discretion, has the authority to assist in the resolution of disputes
767 between and among Member States concerning the Compact.
- 768 (E) Informal Resolution
- 769 (1) In the event of a dispute arising from the interpretation or application of the
770 Compact by a Member State, the following procedure shall be followed:
- 771 (a) The Commissioner of the disputing State shall initiate contact with the
772 Commissioner(s) of the Member State(s) involved in the dispute.
- 773 (b) The initiating Commissioner shall provide a written Statement to the
774 Commissioner(s) of the concerned State(s). This Statement, which will
775 be copied to the Executive Committee, shall detail the nature of the
776 dispute.
- 777 (c) Upon receipt of the dispute letter, the Commissioner(s) of the State(s)
778 involved shall:
- 779 (i) Review the contents of the letter.
- 780 (ii) Conduct an inquiry into the matter.
- 781 (iii) Provide a written response addressing the issues raised.
- 782 (d) The response must be issued, in writing copied to the Executive
783 Committee, within 30 calendar days from the receipt of the dispute
784 letter.
- 785 (e) If interpretation of the Compact is necessary, the Commissioner(s) shall
786 contact the Executive Committee via the Executive Director to request
787 assistance in interpreting relevant provisions.
- 788 (f) The Commissioner raising the concern shall document all attempts to
789 resolve the issues.
- 790 (2) If the issues cannot be resolved between the Member States, the dispute shall
791 be referred to the Executive Committee for further consideration.
- 792 (3) Disputes between two (2) or more Member States which cannot be resolved
793 through informal resolution or through the Executive Committee, may be
794 referred to mediation and/or an arbitration panel to resolve the issues.

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(F) Mediation.

- 795 (1) A Compact State that is a party to a dispute may request, or the Executive
796 Committee may require, the submission of a matter in controversy to
797 mediation.
798
- 799 (2) Mediation shall be conducted by a mediator appointed by the Executive
800 Committee from a list of mediators approved by the National Association of
801 Certified Mediators, or a mediator otherwise agreed to by all parties to the
802 dispute and pursuant to procedures customarily used in mediation proceedings.
- 803 (3) If all issues are resolved through mediation to the satisfaction of all Member
804 States involved, no further action is required.
- 805 (4) In the event mediation is necessary, and unless otherwise agreed in advance by
806 all parties, the prevailing party or parties may be entitled to recover the costs of
807 such medication, including reasonable attorneys' fees, to the extent permitted
808 by State law of the prevailing party State. The Commission shall not be liable
809 for any fees, costs or charges pertaining to mediation.

(G) Arbitration.

- 810 (1) In the event of a dispute between Member States that cannot be resolved
811 through informal means or by mediation, the Commissioner of the initiating
812 Member State(s) shall submit an Arbitration Request form to the Executive
813 Director with a copy to be sent by the initiating State to the other Member
814 State(s) involved.
815
- 816 (2) Each Member State party to the dispute shall submit a signed Arbitration
817 Agreement.
- 818 (3) The Executive Director shall coordinate the arbitration process.
- 819 (4) The decision of the arbitrator(s) shall be final and binding.
- 820 (5) In the event arbitration is necessary, and unless otherwise agreed by the
821 parties, at the discretion of an independent arbitration panel, the prevailing
822 party or parties may be entitled to recover the costs of such arbitration,
823 including reasonable attorneys' fees, to the extent permitted by State law of the
824 prevailing party State. The Commission shall not be liable for any fees, costs
825 or charges pertaining to arbitration.
- 826 (6) Arbitration decisions may be enforced in a court of competent jurisdiction.

827 **13.3 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State
828 unless otherwise mutually agreed upon between the Commission and the defaulting Compact
829 State.

830 **13.4 Judicial Enforcement.** The Commission may by majority vote of the Commissioners, initiate
831 legal action in the United States District Court for the Middle District of Pennsylvania to
832 enforce compliance with the provisions of the Compact, its duly promulgated Rules and
833 Bylaws against any Compact State in default. If judicial enforcement is necessary, the

834 prevailing party shall be awarded all costs of such litigation including reasonable attorney's
835 fees.

836 **SECTION 14. Compact Implementation and Activation Date.**

837 **14.1 Implementation Date.** The Compact was implemented on October 7, 2017, following the
838 enactment of the EMS Compact legislation in ten (10) Member States.

839 **14.2 Activation Date.** The Compact was activated on March 15, 2020.

840 **SECTION 15. Not Used**

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