



CONCEPTUAL ADMINISTRATIVE RULES

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 is authorized to practice in a remote state under a privilege to practice.
- 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 NEMSCD COLLECTS,**

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41 STORES, ANALYZES, REPORTS, AND SHARES AUTHORIZED INFORMATION ON EMS PERSONNEL
42 LICENSURE, CERTIFICATION, PRIVILEGE TO PRACTICE, INVESTIGATIONS, ENFORCEMENT, AND
43 DISCIPLINARY INFORMATION.

- 44 2.7 “Coordinated Database Administrator” means: the contractor, person or employee named
45 by the Commission to provide oversight and management of the coordinated database.
- 46 2.8 “EMS Agency” means: an organization that is authorized by a state EMS authority to operate
47 an ambulance service, or non-transport service.
- 48 2.9 “EMS CLINICIAN” MEANS: AN INDIVIDUAL LICENSED BY A JURISDICTION IN THE UNITED
49 STATES AS AN EMERGENCY MEDICAL TECHNICIAN (EMT), ADVANCED-EMT (AEMT),
50 PARAMEDIC, OR A LEVEL IN BETWEEN EMT AND PARAMEDIC.
- 51 2.10 “License” means: the authorization by a state for an individual to practice as an EMT,
52 AEMT, Paramedic, or a level in between EMT and Paramedic.
- 53 2.11 “Member State” means: a state that has enacted the Compact.
- 54 2.12 “National EMS ID number” means: a randomly generated, unique 12-digit identification
55 number issued by the National Registry of EMTs.
- 56 2.13 “Notify the Commission” means: communication whether written, verbal or through
57 submission of information through the coordinated database. For the purposes of these rules,
58 submission of information to the coordinated database shall be deemed to have satisfied any
59 requirements under the Compact to a home state or member state. Nothing in the Commission
60 rules shall be construed as prohibiting the sharing of information directly between member
61 states, assuming all other requirements for submission to the coordinated database are
62 satisfied.
- 63 2.14 “Non-Member State” means: a state, territory or jurisdiction of the United States that has not
64 enacted the Compact.

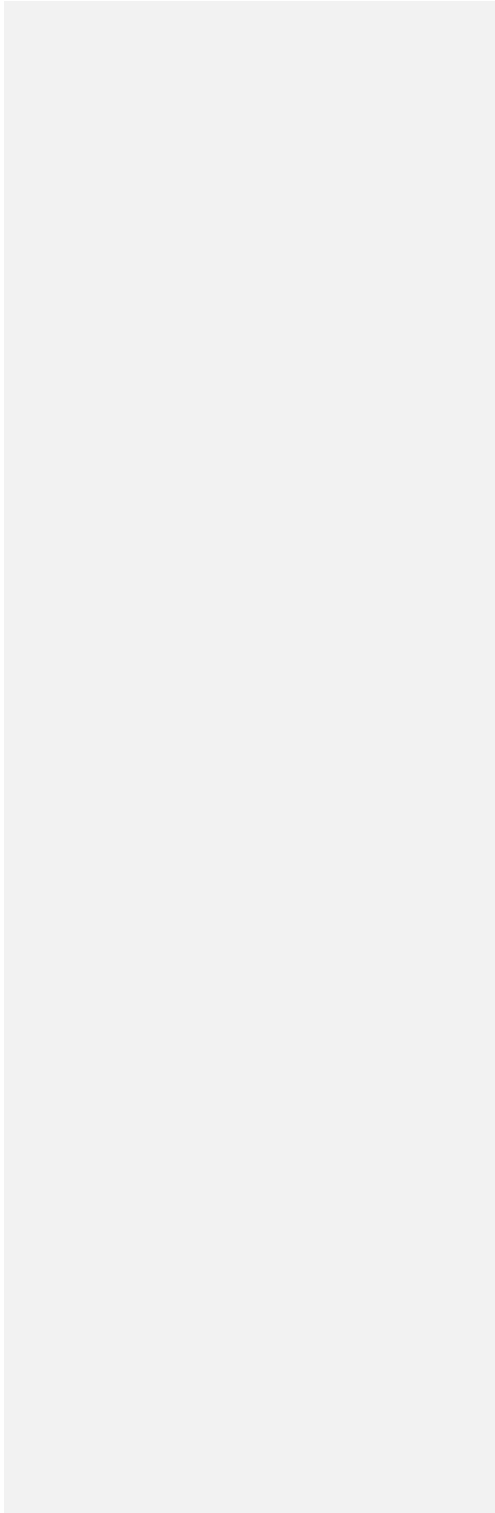
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- 67 2.15 “Privilege to Practice” means: an individual’s authority to deliver emergency medical
68 services in remote states as authorized under this compact.
- 69 2.16 “Rule” means: a written statement by the Commission promulgated pursuant to Section 12 of
70 the Compact that is of general applicability; implements, interprets, or prescribes a policy or
71 provision of the Compact; or is an organizational, procedural, or practice requirement of the
72 Commission and has the force and effect of statutory law in a member state and includes the
73 amendment, repeal, or suspension of an existing rule.
- 74 2.17 “State” means: any state, commonwealth, district, or territory of the United States.
- 75 2.18 “State EMS Authority” means: the board, office, or other agency with the legislative
76 mandate to license EMS personnel.
- 77 2.19 “Subject” means: an individual who is under investigation by a state EMS authority for
78 alleged misconduct.

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79 **SECTION 3. Not Used**

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81 **SECTION 4. Privilege to Practice**

82 **4.0 Recognition of privilege to practice.** A remote state shall recognize the privilege to practice
83 of an EMS CLINICIAN individual who is licensed in another member state, provided that:

- 84 (A) the home state complies with section 3 of the Compact AND SECTION 11 OF THESE
85 RULES; and
- 86 (B) the EMS CLINICIAN individual is performing EMS duties that are assigned by an EMS
87 agency that is authorized in the remote state (for purposes of this section, such duties
88 shall include the individual's travel to, from and between the location(s) in the remote
89 state at which the individual's assigned EMS duties are to be performed); and
- 90 ~~(C) the results of the individual's criminal history background check are documented by
91 all home states where the individual is licensed as qualified; and~~
- 92 (C) the EMS CLINICIAN individual has an unrestricted license issued by the home state
93 wherein the EMS agency for which the individual is practicing in the remote state; and
- 94 (D) the EMS CLINICIAN'S individual privilege to practice has not been restricted or
95 revoked by any member state (except as provided in section 4.2 of these rules); AND
- 96 (E) THE EMS CLINICIAN'S HOME STATE LICENSE RECORDS ARE VISIBLE IN THE
97 COORDINATED DATABASE WHEN QUERIED BY THE EMS ID NUMBER; AND
- 98 (F) THE EMS CLINICIAN'S PRIVILEGE TO PRACTICE STATUS IN THE COORDINATED
99 DATABASE IS SET TO 'YES' OR 'ACTIVE'.

100 **4.1 Notification of privilege to practice status**

- 101 (A) Home states shall notify the Commission of the privilege to practice status for each
102 EMS CLINICIAN individual licensed by the home state to the Commission as described
103 in section 11.3 of these rules as unrestricted, restricted, suspended, revoked or denied.
- 104 (B) When a home state restricts, suspends, or revokes an individual's license, the home
105 state shall notify the Commission of the individual's eligibility to request restoration
106 of the privilege to practice on the adverse action order as:
- 107 (1i) Eligible for privilege to practice restoration. The home state EMS authority
108 where the action was taken authorizes the individual to request reinstatement
109 of the privilege to practice in remote states, or
- 110 (2ii) Ineligible for privilege to practice restoration. The home state EMS authority
111 where the action was taken does not authorize the individual to request
112 reinstatement of the privilege to practice in remote states.

113 **4.2 Restoration of privilege to practice.** The restoration of the privilege to practice shall only
114 occur when:

- 115 (A) the home state license is restored or unrestricted; or
- 116 (B) the privilege to practice restoration is authorized as stated in section 4.1(B)(i) of these
117 rules and

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- (1i) the remote state restores the privilege to practice or removes the restriction of the privilege to practice; and
- (2ii) the EMS CLINICIAN individual whose license or privilege to practice in any member state is restricted, suspended, or revoked has submitted a request to each remote state wherein the individual wishes to have a privilege to 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 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.

4.4 Scope of practice. An EMS CLINICIAN individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by his or her home state unless or until modified by the appropriate authority in the remote state. THE REMOTE STATE APPROPRIATE AUTHORITY INCLUDES, BUT IS NOT LIMITED TO, THE STATE EMS LICENSING AUTHORITY, THE PHYSICIAN EMS MEDICAL DIRECTOR, OR THE EMS AGENCY.

~~(A) — Each member state EMS authority that chooses to modify the scope of practice of individuals who are functioning in the state under a privilege to practice must report the specific modifications to the Commission for publication as described in these rules.~~

~~(A) — If the statutes and rules in the remote state allows further modification of the scope of practice, an EMS agency may further modify an individual's scope of practice.~~

(A) If the EMS authority of the member state in which patient care is provided specifies a scope of practice that the EMS agency must follow, the EMS CLINICIAN SHALL individual will follow the scope of practice for the EMS agency for which the individual is providing patient care.

(B) IF THE HOME STATE AND REMOTE STATE HAVE A PROCESS TO MODIFY THE SCOPE OF PRACTICE BASED ON LICENSE ENDORSEMENTS AND/OR SPECIALTY CERTIFICATIONS, INCLUDING CERTIFICATIONS ISSUED BY THE INTERNATIONAL BOARD OF SPECIALTY CERTIFICATIONS (IBSC), THE REMOTE STATE MAY RECOGNIZE THE SCOPE OF PRACTICE ASSOCIATED WITH THE LICENSE ENDORSEMENT.

4.5 Notification. A member state shall notify the Commission of any scope of practice modifications or limitations for individual (from another member state) providing patient care in the state under the privilege to practice.

4.6 Publication of scope of practice. The Commission shall publish the scope of practice limitations and modifications for all member states in the Commission's standards manual that is incorporated in these rules.

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

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158 practice modifications or limitations for that remote state as described in the most current
159 version of the Commission's standards manual.

160 **4.6 PROFESSIONAL CODE OF CONDUCT.** EMS CLINICIANS FUNCTIONING UNDER THE PRIVILEGE
161 TO PRACTICE SHALL ADHERE TO THE *PROFESSIONAL CODE OF CONDUCT* AS ADOPTED BY THE
162 COMMISSION. THE *PROFESSIONAL CODE OF CONDUCT* OUTLINES ETHICAL AND PROFESSIONAL
163 BEHAVIOR STANDARDS EXPECTED OF ALL EMS CLINICIANS OPERATING IN MEMBER STATES
164 UNDER THE PRIVILEGE TO PRACTICE.

- 165 (A) FAILURE TO ADHERE TO THE *PROFESSIONAL CODE OF CONDUCT* SHALL BE REFERRED TO
166 BOTH THE EMS CLINICIAN'S HOME STATE AND REMOTE STATE FOR INVESTIGATION
167 AND MAY BE GROUNDS FOR RESTRICTION, SUSPENSION, OR REVOCATION OF THE EMS
168 CLINICIAN'S PRIVILEGE TO PRACTICE, AS PROVIDED BY THE RULES OF THE COMMISSION.
- 169 (B) THE HOME STATE AND REMOTE STATE SHALL COORDINATE ON ANY DISCIPLINARY
170 ACTIONS RELATED TO VIOLATIONS OF THE *PROFESSIONAL CODE OF CONDUCT* THAT
171 AFFECT THE EMS CLINICIAN'S PRIVILEGE TO PRACTICE.
- 172 (C) THE COMMISSION SHALL NOTIFY ALL MEMBER STATES OF ANY DISCIPLINARY ACTIONS
173 OR SANCTIONS IMPOSED IN RELATION TO VIOLATIONS OF THE *PROFESSIONAL CODE OF*
174 *CONDUCT*
- 175 (D) THE *PROFESSIONAL CODE OF CONDUCT* SHALL BE REVIEWED AND UPDATED AS
176 NECESSARY BY THE COMMISSION. THE MOST CURRENT VERSION OF THE *PROFESSIONAL*
177 *CODE OF CONDUCT* WILL BE MADE AVAILABLE ON THE COMMISSION'S WEBSITE.

178 **SECTION 5. Not Used**

179 **SECTION 6. Not Used**

180 **SECTION 7. Not Used**

181 **SECTION 8. Adverse Actions**

182 **8.0 Investigation.**

- 183 (A) Member states **SHALL may** collaborate in investigating alleged individual misconduct.
- 184 (B) In those cases where the subject is licensed by one or more member states and
185 therefore has more than one home state, the responsibility for the investigation shall
186 fall to the home state that licenses, certifies, commissions, or otherwise authorizes the
187 agency or appropriate authority for which the subject was providing patient care when
188 the alleged misconduct occurred.
- 189 (C) Upon discovery that an **EMS CLINICIAN individual** is under investigation in another
190 member state, the member state may contact the investigating member state and
191 request investigative documents and information.
- 192 (D) This section shall not be construed as limiting any member state's authority to
193 investigate any conduct within that state, or to investigate any licensee.

194 **8.1 Reporting of adverse actions.**

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- 195 (A) A remote state that imposes adverse action against an EMS CLINICIAN's individual
196 privilege to practice, shall notify the Commission as soon as possible, but no later than
197 two (2) business days after the imposition of the adverse action.
- 198 (B) A home state that imposes adverse action against an EMS CLINICIAN's individual
199 license shall notify the Commission as soon as possible, but no later than two (2)
200 business days after the imposition of the adverse action and notify the individual in
201 writing that the individual's remote state privilege to practice is revoked.
- 202 (C) Member states are not required to report any other information regarding adverse
203 actions to the Commission other than what is available in the public record of the
204 reporting member state though nothing herein shall prohibit a member state from
205 sharing with another member state, or a non-member state, such additional
206 information as the member state concludes is appropriate.

207 **SECTION 9. Not Used**

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SECTION 10. The Commission.

10.0 (Reserved)

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

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

(A) Upon enactment by any state, commonwealth, district, or territory of the United States, of a law intended as that jurisdiction's adoption of the Compact, the Executive Committee shall review the enacted law to determine whether it contains any provisions which materially conflict with the Compact Model Legislation.

- (1) To the extent possible and practicable, this determination shall be made by the Executive Committee after the date of enactment but before the effective date of such law. If the timeframe between enactment and effective date is insufficient to allow for this determination to be made by the Executive Committee prior to the law's effective date, the Executive Committee shall make the determination required by this paragraph as soon as practicable after the law's effective date. The fact that such a review may occur subsequent to the law's effective date shall not impair or prevent the application of the process set forth in this Section 10.2.
- (2) If the Executive Committee determines that the enacted law contains no provision which materially conflicts with the Compact Model Legislation, the state shall be admitted as a party to the Compact and to membership in the Commission pursuant to Section 10 of the Compact Model Legislation upon the effective date of the state's law and thereafter be subject to all rights, privileges, benefits and obligations of the Compact, these Rules and the bylaws.
- (3) In the event the enacted law contains one or more provisions which the Executive Committee determines materially conflicts with the Compact Model Legislation, the state shall be ineligible for membership in the Commission or to become a party to the Compact, and the state shall be notified in writing within fifteen (15) business days of the Executive Committee's decision.
- (4) A state deemed ineligible for Compact membership and Commission participation pursuant to this Section 10.2 shall not be entitled to any of the rights, privileges or benefits of a Compact State as set forth in the Compact, these Rules and/or the bylaws. Without limiting the foregoing, a state deemed ineligible for membership and participation shall not be entitled to appoint a Commissioner, to receive non-public data from the Coordinated Database and/or to avail itself of the default and technical assistance provisions of the Compact. EMS Practitioners licensed in a state deemed ineligible for membership and participation hereunder shall be ineligible for the Privilege to Practice set forth in the Compact and these Rules.

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- 249 (B) A state determined to be ineligible for Commission membership and Compact
250 participation pursuant to this Section 10.2 may, within thirty (30) calendar days of the
251 date of the decision, appeal in writing the Executive Committee's decision to the
252 Commission. An appeal received by the Commission shall be deemed filed on the date
253 it is sent to the Commission. If there is an appeal to the Commission, the Commission
254 shall review de novo whether the state's enacted law materially conflicts with the
255 Compact Model Legislation. The provisions of 10.2(A)(4) of these Rules shall apply
256 during the pendency of any such appeal. The decision of the Commission may be
257 appealed within thirty (30) calendar days of the date of its decision to a court of
258 competent jurisdiction subject to the venue provisions of Section 10(A)(2) of the
259 Compact. The appealing state shall bear all costs of the appeal and the Commission
260 shall not bear any costs relating to the appeal.
- 261 (C) Subsequent to the determination that a state's enacted law contains provision(s) which
262 materially conflict(s) with the Compact Model Legislation, the state may enact new
263 legislation to remove the conflict(s). The new legislation shall be reviewed as set forth
264 in this Section 10.2(A) and (B) above.
- 265 (D) In the event a Compact State, subsequent to its enactment of the Compact, enacts
266 amendment(s) to its Compact law, or enacts another law or laws which may in any
267 way alter or impact any provision or application of the state's enacted Compact law,
268 the Compact State shall so inform the Commission within fifteen (15) business days of
269 the enactment of such amendment(s) or law(s). After being so informed by the
270 Compact State, or learning of such amendment(s) or law(s) from any other source, the
271 Commission shall review the amendment(s) or law(s) to determine if such
272 amendment(s) or law(s) materially conflict with the state's enacted Compact law. In
273 the event the Commission determines such amendment(s) or law(s) materially
274 conflict(s) with the Compact, the Commission shall determine if the amendment(s) or
275 law(s) constitute a condition of default pursuant to Section 13(B) of the Compact and,
276 if so, proceed according to the process established in Section 13 and Commission
277 Rules.
- 278 (E) For the purpose of determining whether a state's law intended as enactment of the
279 Compact, or any provision of any enacted law or amendment, materially conflicts with
280 the Compact Model Legislation or the state's enacted Compact, the Executive
281 Committee and the Commission shall consider the following, among other factors:
- 282 (1) Whether the provision constitutes a material alteration of the rights and
283 obligations of the enacting state or of member states.
 - 284 (2) Whether the provision enlarges the liability or compromises the immunity of
285 the Commission or any authorized agent of the Commission.
 - 286 (3) Whether the provision modifies venue in proceedings involving the
287 Commission.
 - 288 (4) Whether the provision restricts the privileges or authorizations to practice as
289 set forth in the Compact Model Legislation.

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- 290 (5) Whether the provision would allow the state to negate or delay the
291 applicability of a duly promulgated Commission rule in the state.
- 292 (6) Whether the provision would result in the reduction or elimination of fees,
293 levies or assessments payable by the state.
- 294 (7) Whether the provision fundamentally alters the nature of the agreement entered
295 into by member states that have adopted the Compact.
- 296 (8) Whether there is a remedial mechanism, satisfactory to the Executive
297 Committee and/or Commission, whereby the effect of such law or amendment
298 can be mitigated to minimize or eliminate the practical effect of any material
299 conflict.
- 300 (9) Whether the provision strikes or amends Compact Model Legislation language
301 based upon a provision of the Compact Model Legislation being contrary to
302 the Constitution of that state, and the Executive Committee and/or
303 Commission determines that the remainder of the Compact can be
304 implemented effectively, and without compromising the rights of the
305 Commission and the member states, without such provision, to the extent the
306 Executive Committee and/or Commission concur that such provision is
307 unconstitutional in the state.

308 **10.3 New Member State Implementation.** New states admitted as a party to the Compact and to
309 membership shall within three (3) calendar months from the enactment date, or as otherwise
310 specified in the enabling legislation, provide the Commission an implementation plan and
311 implementation date.

312 **10.4 Commissioner Appointment.**

- 313 (A) Member States shall:
 - 314 (1) appoint one delegate, also known as a Commissioner, to serve on the
315 Commission, in accordance with Section 10(B)(1) of the Compact Model
316 Legislation; and
 - 317 (2) ensure the appointed Commissioner is the responsible official of the state EMS
318 authority or his designee;
 - 319 (3) ensure any Commissioner vacancy is promptly filled within thirty (30)
320 calendar days.
- 321 (B) In the event that more than one state entity (Committee, office, department, agency,
322 etc.) has the legislative authority to license EMS Practitioners, the Governor shall
323 determine which entity will be responsible for assigning the delegate.
- 324 (C) Appointed Commissioners shall not be represented by or vote by proxy.

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SECTION 11. Coordinated Database

11.0 THE COORDINATED DATABASE — GENERAL (Reserved)

- (A) **COORDINATED DATABASE OWNERSHIP.** THE COORDINATED DATABASE, ALSO REFERRED TO AS THE NATIONAL EMS COORDINATED DATABASE (NEMSCD) IS OPERATED, MANAGED, AND CONTROLLED BY THE COMMISSION.
- (B) **DATA OWNERSHIP.**
 - (1) **MEMBER STATE DATA:** Member state data refers to any data provided by the member state. All data submitted by a member state to the coordinated database remains the property of the member state. Any use of the data in the coordinated database, other than that expressly allowed by the Commission, is prohibited.
 - (B) **DERIVED DATA:** DERIVED DATA REFERS TO ANY DATA THAT IS GENERATED OR PRODUCED BY THE COMMISSION FROM MEMBER STATE DATA OR OTHER EXTERNAL DATA SOURCES. DERIVED DATA INCLUDES ANALYSES, REPORTS, AND AGGREGATED STATISTICS CREATED BY THE COMMISSION. DERIVED DATA IS OWNED BY THE COMMISSION.
 - (C) **COMPACT DATA:** COMPACT DATA REFERS TO ANY DATA THAT IS GENERATED DIRECTLY BY THE COMPACT ITSELF, INDEPENDENT OF MEMBER STATE SUBMISSIONS OR THIRD-PARTY DATA. THIS INCLUDES INTERNAL ADMINISTRATIVE DATA, OPERATIONAL METRICS, AND OTHER INFORMATION PRODUCED BY THE COMPACT'S ACTIVITIES. EXAMPLES OF COMPACT DATA INCLUDE THE PRIVILEGE TO PRACTICE STATUS AND HISTORY. COMPACT DATA IS OWNED BY THE COMMISSION.
 - (D) **THIRD-PARTY DATA:** THE COMMISSION MAY INCORPORATE ADDITIONAL THIRD-PARTY DATA FROM GOVERNMENT AND/OR NON-GOVERNMENT SOURCES INTO THE NATIONAL EMS COORDINATED DATABASE (NEMSCD) FOR THE PURPOSE OF THE COMMISSION FULFILLING ITS LEGISLATIVE MANDATES. THIRD-PARTY DATA REMAINS THE PROPERTY OF THE DATA OWNER PROVIDING THE DATA, UNLESS OTHERWISE SPECIFIED IN DATA USE AGREEMENTS. THIS DATA IS UNDER THE CUSTODY AND CONTROL OF THE COMMISSION.

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

- (A) **Method of data submission.** Member states shall submit the Uniform Data Set described in Section 11.3 of these rules to the Coordinated Database. ~~in accordance with the Compact Data Participation Agreement.~~
 - (1) ~~— Data ownership. All data submitted by a member state to the coordinated database remains the property of the member state. Any use of the data in the coordinated database other than that expressly allowed by the Commission is prohibited.~~
 - (2) ~~— A member state may designate member state information that may not be shared with the public without the express permission of the contributing state.~~

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- 367 ~~(B) — Access to the coordinated database. Member states shall have access to the uniform~~
368 ~~data set submitted by other member states.~~
- 369 **(B) PRIMARY SOURCE EQUIVALENCY.** MEMBER STATE DATA RECORDS IN THE
370 COORDINATED DATABASE ARE AN ACCURATE REFLECTION OF THE MEMBER STATE
371 LICENSURE STATUS FOR EMS CLINICIANS. THE COORDINATED DATABASE STATUS IS
372 EQUIVALENT TO VALIDATING AN EMS CLINICIAN’S STATUS DIRECTLY WITH THE
373 MEMBER STATE.
- 374 **(C) Implementation.** A NEW member state shall ~~have thirty (30) days to initially~~ provide
375 the ~~member state’s~~ uniform data set to the coordinated database IN THE FORM AND
376 FORMAT SPECIFIED BY THE COMMISSION. In the event a member state does not SUBMIT
377 ~~collect one or more elements of~~ the uniform data set, the member state shall BE IN
378 DEFAULT OF THE REQUIREMENTS OF THE COMPACT AND THE COMMISSION. THE
379 DEFAULT SHALL FOLLOW THE REQUIREMENTS IN SECTION 13. ~~initially submit all~~
380 ~~elements currently collected within thirty (30) days and shall collect and submit any~~
381 ~~missing elements within eighteen (18) months.~~
- 382 **(D) Maintenance of uniform data set.** The accuracy of MEMBER STATE DATA SUBMITTED
383 TO AND ~~information~~ maintained in the coordinated database, ~~to the extent it is~~
384 ~~possible,~~ shall be the responsibility of member states.
- 385 **(E) Correction of records.** In the event an EMS CLINICIAN ~~individual~~ asserts that the
386 individual’s uniform data set information is inaccurate, the ~~individual~~ COMMISSION
387 shall DIRECT THE EMS CLINICIAN TO THE DATA OWNER TO RESEARCH THE CLAIM, AND
388 IF NECESSARY, MODIFY THE DISPUTED RECORD(S). THE COMMISSION SHALL NOT MODIFY
389 MEMBER STATE DATA OR THIRD PARTY DATA. ~~provide evidence in a manner~~
390 ~~determined by the individual’s home state that substantiates such claim. A home state~~
391 ~~shall verify and submit to the Commission an amendment to correct the uniform data~~
392 ~~set of an individual.~~

393 **11.2 CONDITIONS AND PROCEDURES FOR AUTHORIZED USERS OF THE COORDINATED DATABASE**

394 **(A) MEMBER STATE ACCESS**

- 395 (1) **ACCESS RIGHTS:** MEMBER STATE COMMISSIONERS, AND DELEGATE USER(S)
396 AUTHORIZED BY THE COMMISSIONER, SHALL HAVE ACCESS TO THE UNIFORM
397 DATA SET SUBMITTED BY OTHER MEMBER STATES.
- 398 (2) **CONTROL AND AUTHORIZATION:** MEMBER STATE DELEGATE USER(S) ACCESS
399 SHALL BE CONTROLLED BY THE MEMBER STATE COMMISSIONER. THE
400 COMMISSIONER IS RESPONSIBLE FOR DESIGNATING MEMBERS OF THE
401 EXECUTIVE BRANCH OF GOVERNMENT WITH A BONA FIDE NEED TO KNOW
402 REQUIREMENT TO HAVE ACCESS TO THE COORDINATED DATABASE. THE
403 COMMISSION SHALL SUBMIT REQUESTS FOR USER ACCOUNTS AND ACCESS IN
404 WRITING TO THE COMMISSION. THE COMMISSIONER SHALL NOTIFY THE
405 COMMISSION, IN WRITING, WITHIN 24 HOURS IF ANY DELEGATE USER IS NO

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406 LONGER EMPLOYED BY THE MEMBER STATE OR SHOULD HAVE ACCESS
407 REMOVED.

408 (3) **REVIEW PROCESS:** COMMISSIONERS SHALL REVIEW THE DELEGATE ACCOUNTS
409 ON A QUARTERLY BASIS.

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

412 (B) GOVERNMENT ACCESS

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

416 (2) **QUERY CAPABILITIES:** GOVERNMENTAL AGENCIES, FOR OFFICIAL PURPOSES,
417 MAY QUERY THE COORDINATED DATABASE VIA A NAME, NATIONAL EMS ID
418 NUMBER, STATE LICENSE NUMBER, NATIONAL REGISTRY NUMBER, OR SOCIAL
419 SECURITY NUMBER.

420 (3) **DATA ACCESS:** IN ADDITION TO ALL DATA CATEGORIZED AS PUBLIC
421 INFORMATION LISTED IN SECTION 11.3(C)2, GOVERNMENT AGENCIES SHALL
422 HAVE ACCESS TO THE FOLLOWING:

423 (A) STATE LICENSE STATUS

424 (B) INDICATION IF FINAL DISCIPLINARY OR ADVERSE ACTION HAS BEEN
425 TAKEN, IN THE FORM OF A FINAL NPDB (NATIONAL PRACTITIONER
426 DATA BANK) REPORT SUBMISSION.

427 (C) PUBLIC ACCESS

428 (1) **QUERY CAPABILITIES:** THE PUBLIC SHALL HAVE THE ABILITY TO QUERY THE
429 COORDINATED DATABASE VIA A SECURE WEBSITE OR WEBSERVER. THE PUBLIC
430 PORTAL SHALL BE LIMITED TO QUERYING A SINGLE EMS CLINICIAN AT A TIME,
431 AND THE QUERY MAY BE INITIATED BY ENTERING A VALID 12-DIGIT NATIONAL
432 EMS ID NUMBER, OR THE EMS CLINICIAN'S FIRST NAME AND LAST NAME.

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

435 (A) FIRST NAME

436 (B) LAST NAME

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- 437 (C) NATIONAL EMS ID NUMBER
- 438 (D) PRIVILEGE TO PRACTICE STATUS
- 439 (E) STATE LICENSURE STATUS
- 440 (F) STATE NUMBER/IDENTIFIER
- 441 (G) JURISDICTION(S) ISSUING THE LICENSE
- 442 (H) LICENSE LEVEL(S)
- 443 (I) LICENSE EXPIRATION DATE(S)
- 444 (J) THIRD-PARTY DATA AS AUTHORIZED BY THE COMMISSION.
- 445 **(D) EMPLOYER ACCESS**
- 446 (1) **BULK SEARCH CAPABILITY:** EMPLOYERS MAY PERFORM BULK SEARCHES
- 447 USING NATIONAL EMS ID NUMBERS IN A FORM AND FORMAT SPECIFIED BY THE
- 448 COMMISSION.
- 449 (2) **USER ACCOUNT VALIDATION:** EMPLOYERS MUST HAVE A VALIDATED USER
- 450 ACCOUNT TO ACCESS THE SYSTEM.
- 451 (3) **DISPLAYED INFORMATION:** EMPLOYERS WILL HAVE ACCESS TO THE PUBLIC
- 452 ACCESS DATA FOR EACH EMPLOYEE SEARCHED.
- 453 **(E) GENERAL PROVISIONS**
- 454 (1) **AUTHORIZATION:** ALL REQUESTS AND DESIGNATIONS MUST BE MADE IN
- 455 ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE COMMISSION.
- 456 (2) **REVIEW AND AUDIT:** THE COMMISSION RESERVES THE RIGHT TO REVIEW AND
- 457 AUDIT ACCESS LOGS TO ENSURE COMPLIANCE WITH ESTABLISHED RULES AND
- 458 REGULATIONS.
- 459 **11.32 Uniform Data Set.** Member States ~~SHALL must~~ submit the following uniform data set to the
- 460 coordinated database at the frequency indicated.
- 461 (A) **Identifying information.** The following information for each **EMS CLINICIAN**
- 462 ~~individual~~ who is licensed must be reported within ten (10) business days of
- 463 completion of licensure application process. Any changes must be reported within ten
- 464 (10) business days of the change being processed by the member state.
- 465 (1) Full legal name (first, middle, last); and

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- 466 (2) suffix (if applicable); and
- 467 (3) date of birth (month, day, year); and
- 468 (4) Mailing address; and
- 469 (5) eMail address; and
- 470 (6) Phone number; and
- 471 (7) identification number (one or both of the following):
 - 472 (a) Social Security Number
 - 473 (b) National EMS ID number.

474 **(B) Licensure data.** The following information for each EMS CLINICIAN individual who
475 is licensed in the member state must be reported within ten (10) business days of
476 completion of licensure process. Any changes must be reported within ten (10)
477 business days of the change being processed by the member state.

- 478 (1) State of licensure; and
- 479 (2) license level; and
- 480 (3) effective date of license; and
- 481 (4) expiration date of license; and
- 482 (5) license number; and
- 483 (6) license status (if applicable, i.e. inactive, temporary, etc.)

484 **(C) Significant investigative information.** IN THE FULFILLMENT OF PUBLIC PROTECTION,
485 MEMBER STATES MAY SUBMIT SIGNIFICANT INVESTIGATIVE INFORMATION TO THE
486 COORDINATED DATABASE, INCLUDING BUT NOT LIMITED TO: ~~The following~~
487 ~~information must be reported as soon as possible, but no later than two (2) business-~~
488 ~~days of the member state completing the preliminary inquiry:~~

- 489 (1) subject's identifying information as stated in section 11.30 of these rules; and
- 490 (2) declaration of the existence of an investigation or pending adverse action
491 related to the incident or act of misconduct.

492 **(D) Adverse actions imposed on an individual's license.** The following information
493 must be reported as soon as possible, but no later than two (2) business days of
494 imposition of the adverse action. Any changes to the status of the adverse action must
495 be reported as soon as possible, but no later than two (2) business days of the change
496 being processed by the member state:

- 497 (1) subject's identifying information as stated in Section 11.32(A) of these rules;
498 and
- 499 (2) summary description of the incident or act of misconduct; and
- 500 (3) declaration of the existence of a criminal investigation or pending criminal
501 charges related to the incident or act of misconduct; and

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- (4) declaration of the action taken by the member state; and
- (5) effective date of the action taken; and
- (6) duration of the action.

(E) Privilege to practice status. The information as described in section 4.1 of these rules for each **EMS CLINICIAN individual** licensed by the member state must be reported within one (1) month of the effective date of the privilege to practice status. Any changes to the privilege to practice status must be reported as soon as possible, but no later than two (2) business days of the change being processed by the member state.

(F) Non-confidential alternative program participation information. To the extent allowed by a member state’s laws, non-confidential information concerning an **EMS CLINICIAN’S individual** participation in an alternative program will be reported.

(G) DENIAL OF APPLICATION FOR LICENSURE. ANY DENIAL OF APPLICATIONS FOR LICENSURE, DUE TO SIGNIFICANT CAUSE OR PUBLIC PROTECTION CONCERNS, MUST BE REPORTED WITHIN ONE MONTH OF THE DENIAL. THE FOLLOWING INFORMATION SHALL BE REPORTED TO THE COORDINATED DATABASE:

- ~~(1) Any denial of applications for licensure. The following information must be reported within one month of the denial:-~~
- (1) applicant’s identifying information as stated in Section 11. 32(A) of these rules; and
- (2) summary of the reason for denial, **SPECIFICALLY HIGHLIGHTING THE CAUSE OR PUBLIC PROTECTION CONCERNS**; and
- (3) declaration, **IF APPLICABLE**, of the existence of a criminal investigation or pending criminal charges related to the denial; and
- (4) **DECLARATION OF ANY RESTRICTIONS ON FUTURE APPLICATIONS FOR LICENSURE, OR A STATEMENT INDICATING THAT THERE ARE NO SUCH RESTRICTIONS**
~~declaration of the duration of the denial.~~

(H) Other acts of misconduct or criminal convictions. Individual acts of misconduct or criminal convictions that a member state becomes aware of, from sources other than the FBI background check that may result in action against an **EMS CLINICIAN’S individual** license or privilege to practice in any member state must be reported as soon as possible, but no later than two (2) business days of discovery by the state making the discovery.

(I) Compliance with 28 C.F.R. §20.3. Nothing in these Rules shall require or permit the sharing or reporting of Criminal History Record Information as that term is defined in 28 C.F.R. §20.3 in a manner that is prohibited by law.

11.4 DATA DISCLOSURE, INSPECTION OF RECORDS, AND REQUESTS.

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

- (1) **THE FOLLOWING EMS CLINICIAN INFORMATION:**

Commented [DW1]: Added 8/6/2024, Conversation with J. House

Commented [DWJ2]: Adapted from IMLCC. <https://www.imlcc.org/wp-content/uploads/2020/02/IMLCC-Rule-Chapter-9-Rule-on-Exemption-from-Disclosure-of-Records-Adopted-11-19-2019.pdf>

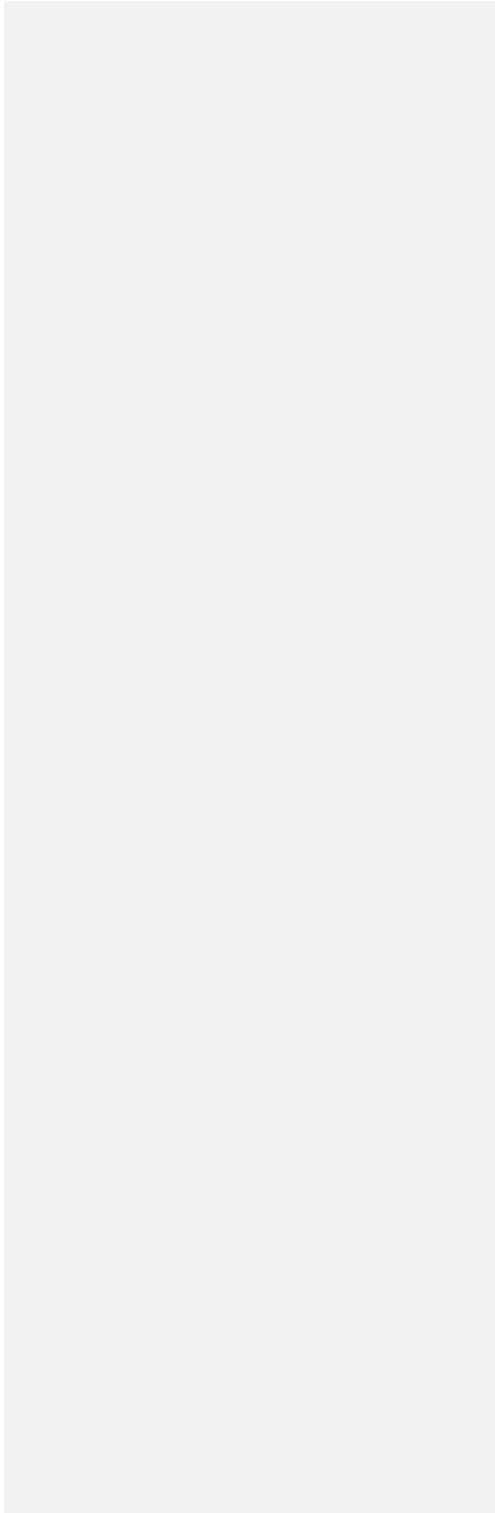
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- 541 A. PERSONAL IDENTIFYING INFORMATION;
- 542 B. PERSONAL CONTACT INFORMATION; AND
- 543 C. DISCIPLINARY RECORDS; AND
- 544 D. ANY DATA ELEMENTS LABELED AS CONFIDENTIAL BY THE DATA OWNER.
- 545 (2) THE FOLLOWING INTERNAL COMMISSION RECORDS:
 - 546 A. PERSONNEL RECORDS OF COMMISSION STAFF;
 - 547 B. COMMISSION PERSONNEL PRACTICE AND PROCEDURES;
 - 548 C. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
 - 549 STATUTE
 - 550 D. TRADE SECRETS, COMMERCIAL, OR FINANCIAL INFORMATION THAT IS
 - 551 PRIVILEGED OR CONFIDENTIAL;
 - 552 E. CENSURES AND ACCUSATIONS OF A CRIME;
 - 553 F. PERSONAL INFORMATION WHERE DISCLOSURE WOULD CONSTITUTE AN
 - 554 UNWARRANTED INVASION OF PERSONAL PRIVACY;
 - 555 G. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
 - 556 H. THAT SPECIFICALLY RELATE TO A CIVIL ACTION OR OTHER LEGAL
 - 557 PROCEEDING;
 - 558 I. CLOSED SESSION RECORDS RELATED TO ANY OF THE ABOVE TOPICS;
 - 559 J. RECORDS THAT CONTAIN LEGAL ADVICE OR ATTORNEY-CLIENT
 - 560 COMMUNICATIONS OR ATTORNEY WORK PRODUCT;
 - 561 K. CONFIDENTIAL MEDIATION OR ARBITRATION DOCUMENTS.
- 562 (3) AFTER CONSULTATION WITH COUNSEL, THE COMMISSION MAY DESIGNATE
- 563 RECORDS NOT DESIGNATED EXEMPT UNDER SECTIONS (1) OR (2) TO BE
- 564 CONFIDENTIAL AND NOT AVAILABLE TO THE PUBLIC FOR INSPECTION.
- 565 (A) **DIRECTION OF DATA REQUESTS:** THE COMMISSION SHALL DIRECT ALL REQUESTS FOR
- 566 DATA TO THE DESIGNATED DATA OWNER.
- 567 (B) **RESTRICTION ON RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION AND**
- 568 **SENSITIVE DATA:** THE COMMISSION SHALL NOT RELEASE OR GENERATE PUBLIC
- 569 REPORTS THAT CONTAIN PERSONALLY IDENTIFIABLE INFORMATION OR SENSITIVE DATA.
- 570 ALL MEASURES SHALL BE TAKEN TO ENSURE THAT SUCH INFORMATION REMAINS
- 571 CONFIDENTIAL AND SECURE.
- 572 (C) **SECURITY AND PROTECTION:** THE COMMISSION SHALL TAKE ALL NECESSARY
- 573 PRECAUTIONS TO PROTECT THE SECURITY AND INTEGRITY OF THE INFORMATION
- 574 PERTAINING TO THE NATION'S EMS WORKFORCE. THIS INCLUDES IMPLEMENTING
- 575 ROBUST SECURITY MEASURES AND PROTOCOLS TO PREVENT UNAUTHORIZED ACCESS,
- 576 DISCLOSURE, OR MISUSE OF DATA.

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(D) GENERATION OF PUBLIC REPORTS: THE COMMISSION MAY, AT ITS SOLE DISCRETION, GENERATE PUBLIC REPORTS THAT INCLUDE SUMMARIZED STATISTICS AND ANALYTICS ON THE EMS WORKFORCE. THESE REPORTS SHALL NOT CONTAIN PII OR SENSITIVE DATA AND WILL BE DESIGNED TO PROVIDE VALUABLE INSIGHTS AND TRENDS WITHOUT COMPROMISING INDIVIDUAL PRIVACY.

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SECTION 12. Rulemaking

12.0 Proposed rules or amendments. Proposed rules or amendments to the rules shall be adopted by majority vote of the members of the Commission. Proposed new rules and amendments to existing rules shall be submitted to the Commission office for referral to the rules committee as follows:

- (A) Any Commissioner may submit a proposed rule or rule amendment for referral to the rules committee during the next scheduled Commission meeting. This proposal shall be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting.
- (B) Standing committees of the Commission may propose rules or rule amendments by majority vote of that Committee.

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

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

12.3 Notification. Each administrative rule or amendment shall state:

- (A) The place, time, and date of the scheduled public hearing, if any;
- (B) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
- (C) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

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

- (A) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.
- (B) All persons wishing to be heard at the hearing shall notify the Chairperson of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

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- 625 (C) Hearings shall be conducted in a manner providing each person who wishes to
626 comment a fair and reasonable opportunity to comment orally or in writing.
- 627 (D) No transcript of the public hearing is required, unless a written request for a transcript
628 is made; in which case the person or entity making the request shall pay for the
629 transcript. A recording may be made in lieu of a transcript under the same terms and
630 conditions as a transcript. This subsection shall not preclude the Commission from
631 making a transcript or recording of the public hearing.
- 632 (E) Nothing in this section shall be construed as requiring a separate hearing on each rule.
633 Rules may be grouped for the convenience of the Commission at hearings required by
634 this section.
- 635 (F) Following the scheduled hearing date, or by the close of business on the scheduled
636 hearing date if the hearing was not held, the Commission shall consider all written and
637 oral comments received.
- 638 (G) The Commission shall, by majority vote of a quorum of the Commissioners, take final
639 action on the proposed rule and shall determine the effective date of the rule, if any,
640 based on the rulemaking record and the full text of the rule.

641 **12.5 Status of rules upon adoption of additional member states.** Any state that joins the
642 Compact subsequent to the Commission’s initial adoption of the rules shall be subject to the
643 rules as they exist on the date on which the Compact becomes law in that state. Any rule that
644 has been previously adopted by the Commission shall have the full force and effect of law on
645 the day the Compact becomes law in that state.

646 **12.6 Emergency Rulemaking.** Upon determination that an emergency exists, the Commission
647 may consider and adopt an emergency rule that shall become effective immediately upon
648 adoption, provided that the usual rulemaking procedures provided in the Compact and in this
649 section shall be retroactively applied to the rule as soon as reasonably possible, in no event
650 later than ninety (90) days after the effective date of the rule. An emergency rule is one that
651 must be made effective immediately in order to:

- 652 (A) Meet an imminent threat to public health, safety, or welfare;
 - 653 (B) Prevent a loss of federal or state funds;
 - 654 (C) Meet a deadline for the promulgation of an administrative rule that is established by
655 federal law or rule; or
 - 656 (D) Protect public health and safety.
- 657

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SECTION 13. Compliance Issues and Dispute Resolution Process

13.1 Initiation of Compliance

- (A) Compliance issues shall be initiated by the Executive Committee.
- (B) The Executive Committee shall first seek to provide remedial education and specific technical assistance for any potential default.
- (C) For unresolved potential defaults, the Executive Committee shall send a written notice of non-compliance to the Commissioner in the Member State with the alleged non-compliance issue. The state shall respond in writing within thirty (30) calendar days.
 - (1) If the Member States does not have a designated Commissioner, the written notice of non-compliance shall be sent to the Governor of the Member State.
 - (3) If the state fails to respond to the written notice, the Executive Committee, through the Executive Director, shall send a written notice of non-compliance to the Governor of the Member State, copied to the Commissioner, with the alleged non-compliance issue.
 - (3) If the response, in the determination of the Executive Committee fails to reasonably resolve the non-compliance issue, the Executive Committee shall request a written Plan of Correction.
- (D) The Executive Committee shall provide a report and make a recommendation to the Commission concerning issues of non-compliance that:
 - (1) do not have an approved Plan of Correction, with progress; or
 - (2) remain unresolved for three (3) or more calendar months.
- (E) Grounds for default include but are not limited to, failure of a Compact State to perform obligations or responsibilities imposed by the Compact, Commission Bylaws, or duly promulgated Rules.
- (F) If the Commission determines that a Compact State has at any time defaulted in the performance of any of its obligations or responsibilities under the Compact, Bylaws or duly promulgated Rules, the Commission shall notify the Commissioner and Governor of the defaulting Compact State in writing. The Commission may impose any or all of the following remedies:
 - (1) Remedial education and technical support as directed by the Commission;
 - (2) Damages and/or costs in such amounts as are deemed to be reasonable as fixed by the Commission;
 - (3) Suspension of membership in the Compact; and
 - (4) Termination of membership in the Compact as provided in the Model Legislation and administrative rules.
- (G) The Commission shall not bear any costs relating to the defaulting Compact State unless otherwise mutually agreed upon between the Commission and the defaulting Compact State.

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13.2 Dispute Resolution Process – Informal, Mediation and Arbitration.

- 697 (A) The Commissioner from each Compact State shall enforce the Compact and take all
698 actions necessary and appropriate to carry out the Compact’s purpose and intent. The
699 Commission supports efforts to resolve disputes between and among Compact States
700 and encourages communication directly between Compact States prior to employing
701 formal resolution methods.
- 702 (B) Any Compact State may submit a written request to the Executive Committee for
703 assistance in interpreting the law, rules, and policies of the Compact. The Executive
704 Committee may seek the assistance of the Commission’s legal counsel in interpreting
705 the Compact. The Executive Committee shall issue the Commission interpretation of
706 the Compact to all parties to the dispute.
- 707 (C) Before submitting a complaint to the Executive Committee, the complaining Member
708 State and responding Member State shall attempt to resolve the issues without
709 intervention by the Commission.
- 710 (D) When disputes among Member States are unresolved through informal attempts, the
711 Commission shall request assistance from the Executive Committee.
 - 712 (1) It is the duty of the Executive Committee to address disputes between or
713 among the Member States concerning the Compact when informal attempts
714 between the Compact States to resolve disputes have been unsuccessful.
 - 715 (2) The Executive Committee, on behalf of the Commission, in the reasonable
716 exercise of its discretion, has the authority to assist in the resolution of disputes
717 between and among Member States concerning the Compact.
- 718 (E) Informal Resolution
 - 719 (1) In the event of a dispute arising from the interpretation or application of the
720 Compact by a Member State, the following procedure shall be followed:
 - 721 (a) The Commissioner of the disputing state shall initiate contact with the
722 Commissioner(s) of the Member State(s) involved in the dispute.
 - 723 (b) The initiating Commissioner shall provide a written statement to the
724 Commissioner(s) of the concerned state(s). This statement, which will
725 be copied to the Executive Committee, shall detail the nature of the
726 dispute.
 - 727 (c) Upon receipt of the dispute letter, the Commissioner(s) of the state(s)
728 involved shall:
 - 729 (i) Review the contents of the letter.
 - 730 (ii) Conduct an inquiry into the matter.
 - 731 (iii) Provide a written response addressing the issues raised.
 - 732 (d) The response must be issued, in writing copied to the Executive
733 Committee, within 30 calendar days from the receipt of the dispute
734 letter.

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- 735 (e) If interpretation of the Compact is necessary, the Commissioner(s) shall
736 contact the Executive Committee via the Executive Director to request
737 assistance in interpreting relevant provisions.
- 738 (f) The Commissioner raising the concern shall document all attempts to
739 resolve the issues.
- 740 (2) If the issues cannot be resolved between the Member States, the dispute shall
741 be referred to the Executive Committee for further consideration.
- 742 (3) Disputes between two (2) or more Member States which cannot be resolved
743 through informal resolution or through the Executive Committee, may be
744 referred to mediation and/or an arbitration panel to resolve the issues.
- 745 (F) Mediation.
- 746 (1) A Compact State that is a party to a dispute may request, or the Executive
747 Committee may require, the submission of a matter in controversy to
748 mediation.
- 749 (2) Mediation shall be conducted by a mediator appointed by the Executive
750 Committee from a list of mediators approved by the National Association of
751 Certified Mediators, or a mediator otherwise agreed to by all parties to the
752 dispute and pursuant to procedures customarily used in mediation proceedings.
- 753 (3) If all issues are resolved through mediation to the satisfaction of all Member
754 States involved, no further action is required.
- 755 (4) In the event mediation is necessary, and unless otherwise agreed in advance by
756 all parties, the prevailing party or parties may be entitled to recover the costs of
757 such medication, including reasonable attorneys' fees, to the extent permitted
758 by state law of the prevailing party state. The Commission shall not be liable
759 for any fees, costs or charges pertaining to mediation.
- 760 (G) Arbitration.
- 761 (1) In the event of a dispute between Member States that cannot be resolved
762 through informal means or by mediation, the Commissioner of the initiating
763 Member State(s) shall submit an Arbitration Request form to the Executive
764 Director with a copy to be sent by the initiating state to the other Member
765 State(s) involved.
- 766 (2) Each Member State party to the dispute shall submit a signed Arbitration
767 Agreement.
- 768 (3) The Executive Director shall coordinate the arbitration process.
- 769 (4) The decision of the arbitrator(s) shall be final and binding.
- 770 (5) In the event arbitration is necessary, and unless otherwise agreed by the
771 parties, at the discretion of an independent arbitration panel, the prevailing
772 party or parties may be entitled to recover the costs of such arbitration,
773 including reasonable attorneys' fees, to the extent permitted by state law of the

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774 prevailing party state. The Commission shall not be liable for any fees, costs or
775 charges pertaining to arbitration.

776 (6) Arbitration decisions may be enforced in a court of competent jurisdiction.

777 **13.3 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State
778 unless otherwise mutually agreed upon between the Commission and the defaulting Compact
779 State.

780 **13.4 Judicial Enforcement.** The Commission may by majority vote of the Commissioners, initiate
781 legal action in the United States District Court for the Middle District of Pennsylvania to
782 enforce compliance with the provisions of the Compact, its duly promulgated Rules and
783 Bylaws against any Compact State in default. If judicial enforcement is necessary, the
784 prevailing party shall be awarded all costs of such litigation including reasonable attorney's
785 fees.

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

787 **14.1 Implementation Date.** The Compact was implemented on October 7, 2017, following the
788 enactment of the EMS Compact legislation in ten (10) Member States.

789 **14.2 Activation Date.** The Compact was activated on March 15, 2020.

790 **SECTION 15. Not Used**