

CONCEPTUAL ADMINISTRATIVE RULES

September 25, 2024 - DRAFT

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.J. 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** “**Member State**” means: a State that has enacted the Compact.
- 2.12** “**National EMS ID number**” means: a randomly generated, unique 12-digit identification number issued by the National Registry of EMTs.
- 2.13** “**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.
- 2.14** “**Non-Member State**” means: a State, territory or jurisdiction of the United States that has not enacted the Compact.
- 2.15** “**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.
- 2.16** “**Privilege to Practice**” means: an individual’s authority to deliver emergency medical services in Remote States as authorized under this compact.
- 2.17** “**REMOTE STATE APPROPRIATE AUTHORITY**” **MEANS: THE STATE EMS LICENSING AUTHORITY, THE PHYSICIAN EMS MEDICAL DIRECTOR, OR THE EMS AGENCY.**

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- 80 **2.18** “Rule” means: a written Statement by the Commission promulgated pursuant to Section 12 of
81 the Compact that is of general applicability; implements, interprets, or prescribes a policy or
82 provision of the Compact; or is an organizational, procedural, or practice requirement of the
83 Commission and has the force and effect of statutory law in a Member State and includes the
84 amendment, repeal, or suspension of an existing Rule.
- 85 **2.19** “State” means: any State, commonwealth, district, or territory of the United States.
- 86 **2.20** “State EMS Authority” means: the board, office, or other agency with the legislative
87 mandate to License EMS personnel.
- 88 **2.21** “Subject” means: an individual who is under investigation by a State EMS Authority for
89 alleged misconduct.
- 90 **2.22** “UNIFORM DATA SET” MEANS: A STANDARDIZED SET OF INFORMATION THAT MEMBER STATES
91 MUST SUBMIT TO THE COORDINATED DATABASE, AS DEFINED IN SECTION 11.3 OF THESE RULES.
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93 SECTION 3. Not Used

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95 SECTION 4. Privilege to Practice

- 96 **4.0 Recognition of privilege to practice.** A Remote State shall recognize the Privilege to
97 Practice of an EMS CLINICIAN individual who is Licensed in another Member State,
98 PROVIDED THAT THE FOLLOWING CONDITIONS ARE SATISFIED:
- 99 (A) the Home State complies with Section 3 of the Compact AND SECTION 11 OF THESE
100 RULES; and
- 101 (B) the EMS CLINICIAN individual is performing EMS duties that are assigned by an EMS
102 agency that is authorized in the Remote State (for purposes of this section, such duties
103 shall include the individual's travel to, from and between the location(s) in the Remote
104 State at which the individual's assigned EMS duties are to be performed); and
- 105 ~~(C) the results of the individual's criminal history background check are documented by~~
106 ~~all Home States where the individual is Licensed as qualified; and~~
- 107 (C) the EMS CLINICIAN individual has an unrestricted License issued by the Home State
108 wherein the EMS agency for which the individual is practicing in the Remote State;
109 and
- 110 (D) the EMS CLINICIAN'S individual Privilege to Practice has not been restricted or
111 revoked by any Member State (except as provided in section 4.2 of these Rules); AND
- 112 (E) THE EMS CLINICIAN'S HOME STATE LICENSE RECORDS ARE VISIBLE IN THE
113 COORDINATED DATABASE WHEN QUERIED BY THE EMS ID NUMBER; AND
- 114 (F) THE EMS CLINICIAN'S PRIVILEGE TO PRACTICE STATUS IN THE COORDINATED
115 DATABASE IS SET TO 'YES' OR 'ACTIVE'; AND
- 116 (G) ADHERES TO THE PUBLISHED PROFESSIONAL CODE OF CONDUCT, AS STATED IN 4.6

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4.1 Notification of Privilege to Practice status

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

- (A) the Home State License is restored or unrestricted; or
- (B) the Privilege to Practice restoration is authorized as Stated in section 4.1(B)(i) of these Rules and
 - (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 **REMOTE STATE APPROPRIATE AUTHORITY.** ~~appropriate authority in the Remote State.~~

- ~~(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.~~

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157 (A) If the EMS authority of the Member State in which patient care is provided specifies a
158 scope of practice that the EMS agency must follow, the **EMS CLINICIAN SHALL**
159 ~~individual will~~ follow the scope of practice for the EMS agency for which the
160 individual is providing patient care.

161 (B) **IF THE HOME STATE AND REMOTE STATE RECOGNIZE LICENSE ENDORSEMENTS AND/OR**
162 **SPECIALTY CERTIFICATIONS, ISSUED BY THE INTERNATIONAL BOARD OF SPECIALTY**
163 **CERTIFICATIONS (IBSC), THE REMOTE STATE MAY RECOGNIZE THE SCOPE OF PRACTICE**
164 **ASSOCIATED WITH THE LICENSE ENDORSEMENT.**

165 ~~4.5 Notification. A Member State shall notify the Commission of any scope of practice~~
166 ~~modifications or limitations for individual (from another Member State) providing patient~~
167 ~~care in the State under the privilege to practice.~~

168 ~~4.6 Publication of scope of practice. The Commission shall publish the scope of practice~~
169 ~~limitations and modifications for all Member States in the Commission's standards manual~~
170 ~~that is incorporated in these Rules.~~

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

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

173 **4.5 EMS CLINICIAN individual responsibility.** An EMS CLINICIAN ~~individual~~ providing patient
174 care in a Remote State under the Privilege to Practice is responsible for adhering to the scope
175 of practice modifications or limitations for that Remote State. ~~as described in the most current~~
176 ~~version of the Commission's standards manual.~~

177 **4.6 PROFESSIONAL CODE OF CONDUCT.** EMS CLINICIANS FUNCTIONING UNDER THE PRIVILEGE
178 TO PRACTICE SHALL ADHERE TO THE *PROFESSIONAL CODE OF CONDUCT* AS ADOPTED BY THE
179 COMMISSION. THE *PROFESSIONAL CODE OF CONDUCT* OUTLINES ETHICAL AND PROFESSIONAL
180 BEHAVIOR STANDARDS EXPECTED OF ALL EMS CLINICIANS OPERATING IN MEMBER STATES
181 UNDER THE PRIVILEGE TO PRACTICE.

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

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

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

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

SECTION 5. Not Used

197 SECTION 6. Not Used

198 SECTION 7. Not Used

199 SECTION 8. Adverse Actions

200 8.0 Investigation.

- 201 (A) Member States ~~SHALL~~ ~~may~~ collaborate in investigating alleged individual misconduct.
- 202 (B) In those cases where the subject is licensed by one or more Member States and
203 therefore has more than one Home State, the responsibility for the investigation shall
204 fall to the Home State that Licenses, certifies, Commissions, or otherwise authorizes
205 the agency or appropriate authority for which the subject was providing patient care
206 when the alleged misconduct occurred.
- 207 (C) Upon discovery that an EMS CLINICIAN ~~individual~~ is under investigation in another
208 Member State, the Member State may contact the investigating Member State and
209 request investigative documents and information.
- 210 (D) This section shall not be construed as limiting any Member State's authority to
211 investigate any conduct within that State, or to investigate any Licensee.

212 8.1 Reporting of adverse actions.

- 213 (A) A Remote State that imposes adverse action against an EMS CLINICIAN'S ~~individual~~
214 privilege to practice, shall notify the Commission as soon as possible, but no later than
215 two (2) business days after the imposition of the adverse action.
- 216 (B) A Home State that imposes adverse action against an EMS CLINICIAN'S ~~individual~~
217 License shall notify the Commission as soon as possible, but no later than two (2)
218 business days after the imposition of the adverse action and notify the individual in
219 writing that the individual's Remote State Privilege to Practice is revoked.
- 220 (C) Member States are not required to report any other information regarding adverse
221 actions to the Commission other than what is available in the public record of the
222 reporting Member State though nothing herein shall prohibit a Member State from
223 sharing with another Member State, or a non-Member State, such additional
224 information as the Member State concludes is appropriate.

225 SECTION 9. Not Used

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227 **SECTION 10. The Commission.**

228 **10.0 (Reserved)**

229 **10.1 New Member State.** The Commission shall notify all Member States within fifteen (15)
230 calendar days when a new Member State enacts the Compact.

231 **10.2 Process for Review of New State Laws or Amendments to Compacts:**

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

236 (1) To the extent possible and practicable, this determination shall be made by the
237 Executive Committee after the date of enactment but before the effective date
238 of such law. If the timeframe between enactment and effective date is
239 insufficient to allow for this determination to be made by the Executive
240 Committee prior to the law's effective date, the Executive Committee shall
241 make the determination required by this paragraph as soon as practicable after
242 the law's effective date. The fact that such a review may occur subsequent to
243 the law's effective date shall not impair or prevent the application of the
244 process set forth in this Section 10.2.

245 (2) If the Executive Committee determines that the enacted law contains no
246 provision which materially conflicts with the Compact Model Legislation, the
247 State shall be admitted as a party to the Compact and to membership in the
248 Commission pursuant to Section 10 of the Compact Model Legislation upon
249 the effective date of the State's law and thereafter be subject to all rights,
250 privileges, benefits and obligations of the Compact, these Rules and the
251 bylaws.

252 (3) In the event the enacted law contains one or more provisions which the
253 Executive Committee determines materially conflicts with the Compact Model
254 Legislation, the State shall be ineligible for membership in the Commission or
255 to become a party to the Compact, and the State shall be notified in writing
256 within fifteen (15) business days of the Executive Committee's decision.

257 (4) A State deemed ineligible for Compact membership and Commission
258 participation pursuant to this Section 10.2 shall not be entitled to any of the
259 rights, privileges or benefits of a Compact State as set forth in the Compact,
260 these Rules and/or the bylaws. Without limiting the foregoing, a State deemed
261 ineligible for membership and participation shall not be entitled to appoint a
262 Commissioner, to receive non-public data from the Coordinated Database
263 and/or to avail itself of the default and technical assistance provisions of the
264 Compact. EMS Practitioners Licensed in a State deemed ineligible for
265 membership and participation hereunder shall be ineligible for the Privilege to
266 Practice set forth in the Compact and these Rules.

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

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- 308 (5) Whether the provision would allow the State to negate or delay the
309 applicability of a duly promulgated Commission Rule in the State.
- 310 (6) Whether the provision would result in the reduction or elimination of fees,
311 levies or assessments payable by the State.
- 312 (7) Whether the provision fundamentally alters the nature of the agreement entered
313 into by Member States that have adopted the Compact.
- 314 (8) Whether there is a remedial mechanism, satisfactory to the Executive
315 Committee and/or Commission, whereby the effect of such law or amendment
316 can be mitigated to minimize or eliminate the practical effect of any material
317 conflict.
- 318 (9) Whether the provision strikes or amends Compact Model Legislation language
319 based upon a provision of the Compact Model Legislation being contrary to
320 the Constitution of that State, and the Executive Committee and/or
321 Commission determines that the remainder of the Compact can be
322 implemented effectively, and without compromising the rights of the
323 Commission and the Member States, without such provision, to the extent the
324 Executive Committee and/or Commission concur that such provision is
325 unconstitutional in the State.

326 **10.3 New Member State Implementation.** New States admitted as a party to the Compact and to
327 membership shall within three (3) calendar months from the enactment date, or as otherwise
328 specified in the enabling legislation, provide the Commission an implementation plan and
329 implementation date.

330 **10.4 Commissioner Appointment.**

- 331 (A) Member States shall:
- 332 (1) appoint one delegate, also known as a Commissioner, to serve on the
333 Commission, in accordance with Section 10(B)(1) of the Compact Model
334 Legislation; and
- 335 (2) ensure the appointed Commissioner is the responsible official of the State EMS
336 Authority or his designee;
- 337 (3) ensure any Commissioner vacancy is promptly filled within thirty (30)
338 calendar days.
- 339 (B) In the event that more than one State entity (Committee, office, department, agency,
340 etc.) has the legislative authority to License EMS Practitioners, the Governor shall
341 determine which entity will be responsible for assigning the delegate.
- 342 (C) Appointed Commissioners shall not be represented by or vote by proxy.
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345 SECTION 11. Coordinated Database

346 11.0 THE COORDINATED DATABASE — GENERAL (Reserved)

- 347 (A) COORDINATED DATABASE OWNERSHIP. THE COORDINATED DATABASE IS OPERATED,
348 MANAGED, AND CONTROLLED BY THE COMMISSION.
- 349 (B) DATA OWNERSHIP.
- 350 (1) MEMBER STATE DATA: Member State data refers to any data provided by the
351 Member State. All data submitted by a Member State to the Coordinated
352 Database remains the property of the Member State. Any use of the data in the
353 Coordinated Database, other than that expressly allowed by the Commission, is
354 prohibited.
- 355 (2) DERIVED DATA: DERIVED DATA REFERS TO ANY DATA THAT IS GENERATED OR
356 PRODUCED BY THE COMMISSION FROM MEMBER STATE DATA OR OTHER
357 EXTERNAL DATA SOURCES. DERIVED DATA INCLUDES ANALYSES, REPORTS, AND
358 AGGREGATED STATISTICS CREATED BY THE COMMISSION. DERIVED DATA IS
359 OWNED BY THE COMMISSION.
- 360 (3) COMPACT DATA: COMPACT DATA REFERS TO ANY DATA THAT IS GENERATED
361 DIRECTLY BY THE COMPACT ITSELF, INDEPENDENT OF MEMBER STATE
362 SUBMISSIONS OR THIRD-PARTY DATA. THIS INCLUDES INTERNAL
363 ADMINISTRATIVE DATA, OPERATIONAL METRICS, AND OTHER INFORMATION
364 PRODUCED BY THE COMPACT'S ACTIVITIES. EXAMPLES OF COMPACT DATA
365 INCLUDE THE PRIVILEGE TO PRACTICE STATUS AND HISTORY. COMPACT DATA IS
366 OWNED BY THE COMMISSION.
- 367 (4) THIRD-PARTY DATA: THE COMMISSION MAY INCORPORATE ADDITIONAL
368 THIRD-PARTY DATA FROM GOVERNMENT AND/OR NON-GOVERNMENT SOURCES
369 INTO THE COORDINATED DATABASE FOR THE PURPOSE OF THE COMMISSION
370 FULFILLING ITS LEGISLATIVE MANDATES. THIRD-PARTY DATA REMAINS THE
371 PROPERTY OF THE DATA OWNER PROVIDING THE DATA, UNLESS OTHERWISE
372 SPECIFIED IN DATA USE AGREEMENTS. THIS DATA IS UNDER THE CUSTODY AND
373 CONTROL OF THE COMMISSION.

374 11.1 DATA SUBMISSION AND VALIDATION Coordinated Database — General

- 375 (A) Method of data submission. Member States shall submit the Uniform Data Set
376 described in Section 11.3 of these Rules to the Coordinated Database. ~~in accordance~~
377 ~~with the Compact Data Participation Agreement.~~
- 378 (1) ~~Data ownership.~~ All data submitted by a Member State to the Coordinated
379 Database remains the property of the Member State. Any use of the data in the
380 Coordinated Database other than that expressly allowed by the Commission is
381 prohibited.
- 382 (2) ~~A Member State may designate Member State information that may not be~~
383 ~~shared with the public without the express permission of the contributing State.~~

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- 384 ~~(B) — Access to the Coordinated Database. Member States shall have access to the~~
385 ~~Uniform Data Set submitted by other Member States.~~
- 386 **(B) PRIMARY SOURCE EQUIVALENCY.** MEMBER STATE DATA RECORDS IN THE
387 COORDINATED DATABASE ARE AN ACCURATE REFLECTION OF THE MEMBER STATE
388 LICENSURE STATUS FOR EMS CLINICIANS. THE COORDINATED DATABASE STATUS IS
389 EQUIVALENT TO VALIDATING AN EMS CLINICIAN’S STATUS DIRECTLY WITH THE
390 MEMBER STATE.
- 391 **(C) Implementation.** A NEW Member State shall ~~have thirty (30) days to initially~~ provide
392 the ~~Member State’s~~ Uniform Data Set to the Coordinated Database IN THE FORM AND
393 FORMAT SPECIFIED BY THE COMMISSION. In the event a Member State does not SUBMIT
394 ~~collect one or more elements of~~ the Uniform Data Set, the Member State shall BE IN
395 DEFAULT OF THE REQUIREMENTS OF THE COMPACT AND THE COMMISSION. THE
396 DEFAULT SHALL FOLLOW THE REQUIREMENTS IN SECTION 13. ~~initially submit all~~
397 ~~elements currently collected within thirty (30) days and shall collect and submit any~~
398 ~~missing elements within eighteen (18) months.~~
- 399 **(D) Maintenance of Uniform Data Set.** The accuracy of MEMBER STATE DATA
400 SUBMITTED TO AND ~~information~~ maintained in the Coordinated Database, ~~to the extent~~
401 ~~it is possible,~~ shall be the responsibility of Member States.
- 402 **(E) Correction of records.** In the event an EMS CLINICIAN ~~individual~~ asserts that the
403 individual’s Uniform Data Set information is inaccurate, the ~~individual~~ COMMISSION
404 shall DIRECT THE EMS CLINICIAN TO THE DATA OWNER TO RESEARCH THE CLAIM, AND
405 IF NECESSARY, MODIFY THE DISPUTED RECORD(S). THE COMMISSION SHALL NOT MODIFY
406 MEMBER STATE DATA OR THIRD PARTY DATA. ~~provide evidence in a manner~~
407 ~~determined by the individual’s Home State that substantiates such claim. A Home~~
408 ~~State shall verify and submit to the Commission an amendment to correct the Uniform~~
409 ~~Data Set of an individual.~~

410 11.2 CONDITIONS AND PROCEDURES FOR AUTHORIZED USERS OF THE COORDINATED DATABASE

411 (A) MEMBER STATE ACCESS

- 412 (1) **ACCESS RIGHTS:** MEMBER STATE COMMISSIONERS, AND DELEGATE USER(S)
413 AUTHORIZED BY THE COMMISSIONER, SHALL HAVE ACCESS TO THE UNIFORM
414 DATA SET SUBMITTED BY OTHER MEMBER STATES.
- 415 (2) **CONTROL AND AUTHORIZATION:** MEMBER STATE DELEGATE USER(S) ACCESS
416 SHALL BE CONTROLLED BY THE MEMBER STATE COMMISSIONER. THE
417 COMMISSIONER IS RESPONSIBLE FOR DESIGNATING MEMBERS OF THE
418 EXECUTIVE BRANCH OF GOVERNMENT WITH A BONA FIDE NEED TO KNOW
419 REQUIREMENT TO HAVE ACCESS TO THE COORDINATED DATABASE. THE
420 COMMISSION SHALL SUBMIT REQUESTS FOR USER ACCOUNTS AND ACCESS IN
421 WRITING TO THE COMMISSION. THE COMMISSIONER SHALL NOTIFY THE
422 COMMISSION, IN WRITING, WITHIN 24 HOURS IF ANY DELEGATE USER IS NO

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

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

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

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(B) GOVERNMENT ACCESS

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

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434
435
436

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

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438
439

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

440

(A) STATE LICENSE STATUS

441
442
443

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

444

(C) PUBLIC ACCESS

445
446
447
448
449
450

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

451
452

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

453

(A) FIRST NAME

454

(B) LAST NAME

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- 455 (C) NATIONAL EMS ID NUMBER
- 456 (D) PRIVILEGE TO PRACTICE STATUS
- 457 (E) STATE LICENSURE STATUS
- 458 (F) STATE NUMBER/IDENTIFIER
- 459 (G) JURISDICTION(S) ISSUING THE LICENSE
- 460 (H) LICENSE LEVEL(S)
- 461 (I) LICENSE EXPIRATION DATE(S)
- 462 (J) THIRD-PARTY DATA AS AUTHORIZED BY THE COMMISSION.

(D) EMPLOYER ACCESS

- 464 (1) **INDIVIDUAL EMS CLINICIAN SEARCH:** EMPLOYERS MAY QUERY A SINGLE
465 EMS CLINICIAN AT A TIME, AND THE QUERY MAY BE INITIATED BY ENTERING A
466 VALID 12-DIGIT NATIONAL EMS ID NUMBER, THE EMS CLINICIAN'S FIRST
467 NAME AND LAST NAME, OR A STATE LICENSE NUMBER.
- 468 (2) **BULK SEARCH CAPABILITY:** EMPLOYERS MAY PERFORM BULK SEARCHES
469 USING NATIONAL EMS ID NUMBERS IN A FORM AND FORMAT SPECIFIED BY THE
470 COMMISSION.
- 471 (3) **USER ACCOUNT VALIDATION:** EMPLOYERS MUST HAVE A VALIDATED USER
472 ACCOUNT TO ACCESS THE SYSTEM.
- 473 (4) **DISPLAYED INFORMATION:** EMPLOYERS WILL HAVE ACCESS TO THE PUBLIC
474 ACCESS DATA FOR EACH EMPLOYEE SEARCHED.

(E) GENERAL PROVISIONS

- 476 (1) **AUTHORIZATION:** ALL REQUESTS AND DESIGNATIONS MUST BE MADE IN
477 ACCORDANCE WITH THE PROCEDURES ESTABLISHED BY THE COMMISSION.
- 478 (2) **REVIEW AND AUDIT:** THE COMMISSION RESERVES THE RIGHT TO REVIEW AND
479 AUDIT ACCESS LOGS TO ENSURE COMPLIANCE WITH ESTABLISHED RULES AND
480 REGULATIONS.

481 **11.32 Uniform Data Set.** Member States ~~SHALL~~ ~~must~~ submit the following Uniform Data Set to the
482 Coordinated Database at the frequency indicated.

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- 483 (A) **Identifying information.** The following information for each EMS CLINICIAN
484 **individual** who is Licensed must be reported within ten (10) business days of
485 completion of licensure application process. Any changes must be reported within ten
486 (10) business days of the change being processed by the Member State.
- 487 (1) Full legal name (first, middle, last); and
 - 488 (2) suffix (if applicable); and
 - 489 (3) date of birth (month, day, year); and
 - 490 (4) Mailing address; and
 - 491 (5) eMail address; and
 - 492 (6) Phone number; and
 - 493 (7) identification number (one or both of the following):
 - 494 (a) Social Security Number
 - 495 (b) National EMS ID number.
- 496 (B) **Licensure data.** The following information for each EMS CLINICIAN **individual** who
497 is Licensed in the Member State must be reported within ten (10) business days of
498 completion of licensure process. Any changes must be reported within ten (10)
499 business days of the change being processed by the Member State.
- 500 (1) State of licensure; and
 - 501 (2) License level; and
 - 502 (3) effective date of License; and
 - 503 (4) expiration date of License; and
 - 504 (5) License number; and
 - 505 (6) License status (if applicable, i.e. inactive, temporary, etc.)
- 506 (C) **Significant investigative information.** IN THE FULFILLMENT OF PUBLIC PROTECTION,
507 MEMBER STATES MAY SUBMIT SIGNIFICANT INVESTIGATIVE INFORMATION TO THE
508 COORDINATED DATABASE, INCLUDING BUT NOT LIMITED TO: ~~The following~~
509 ~~information must be reported as soon as possible, but no later than two (2) business~~
510 ~~days of the Member State completing the preliminary inquiry:~~
- 511 (1) subject's identifying information as Stated in section 11.30 of these Rules; and
 - 512 (2) declaration of the existence of an investigation or pending adverse action
513 related to the incident or act of misconduct.
- 514 (D) **Adverse actions imposed on an individual's License.** The following information
515 must be reported as soon as possible, but no later than two (2) business days of
516 imposition of the adverse action. Any changes to the status of the adverse action must
517 be reported as soon as possible, but no later than two (2) business days of the change
518 being processed by the Member State:

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- 519 (1) subject's identifying information as Stated in Section 11.32(A) of these Rules;
520 and
- 521 (2) summary description of the incident or act of misconduct; and
- 522 (3) declaration of the existence of a criminal investigation or pending criminal
523 charges related to the incident or act of misconduct; and
- 524 (4) declaration of the action taken by the Member State; and
- 525 (5) effective date of the action taken; and
- 526 (6) duration of the action.
- 527 (E) **Privilege to practice status.** The information as described in section 4.1 of these
528 Rules for each EMS CLINICIAN individual Licensed by the Member State must be
529 reported within one (1) month of the effective date of the Privilege to Practice status.
530 Any changes to the Privilege to Practice status must be reported as soon as possible,
531 but no later than two (2) business days of the change being processed by the Member
532 State.
- 533 (F) **Non-confidential alternative program participation information.** To the extent
534 allowed by a Member State's laws, non-confidential information concerning an EMS
535 CLINICIAN'S individual participation in an alternative program will be reported.
- 536 (G) **DENIAL OF APPLICATION FOR LICENSURE. ANY FINAL DENIAL OF APPLICATIONS FOR
537 LICENSURE, DUE TO SIGNIFICANT CAUSE OR PUBLIC PROTECTION CONCERNS, MUST BE
538 REPORTED WITHIN TWO (2) DAYS OF THE DENIAL. THE FOLLOWING INFORMATION SHALL
539 BE REPORTED TO THE COORDINATED DATABASE:**
- 540 ~~(1) Any denial of applications for licensure. The following information must be
541 reported within one month of the denial:~~
- 542 (1) Applicant's identifying information as Stated in Section 11. 32(A) of these
543 Rules; and
- 544 (2) Summary of the reason for denial, SPECIFICALLY HIGHLIGHTING THE CAUSE OR
545 PUBLIC PROTECTION CONCERNS; and
- 546 (3) Declaration, IF APPLICABLE, of the existence of a criminal investigation or
547 pending criminal charges related to the denial; and
- 548 (4) DECLARATION OF ANY RESTRICTIONS ON FUTURE APPLICATIONS FOR LICENSURE,
549 OR A STATEMENT INDICATING THAT THERE ARE NO SUCH RESTRICTIONS
550 ~~declaration of the duration of the denial.~~
- 551 (H) **Other acts of misconduct or criminal convictions.** Individual acts of misconduct or
552 criminal convictions that a Member State becomes aware of, from sources other than
553 the FBI background check that may result in action against an EMS CLINICIAN'S
554 individual License or Privilege to Practice in any Member State must be reported as
555 soon as possible, but no later than two (2) business days of discovery by the State
556 making the discovery.

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- 557 (I) **Compliance with 28 C.F.R. §20.3.** Nothing in these Rules shall require or permit the
558 sharing or reporting of Criminal History Record Information as that term is defined in
559 28 C.F.R. §20.3 in a manner that is prohibited by law.

560 **11.4 DATA DISCLOSURE, INSPECTION OF RECORDS, AND REQUESTS.**

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

563 (1) THE FOLLOWING EMS CLINICIAN INFORMATION:

- 564 A. PERSONAL IDENTIFYING INFORMATION;
565 B. PERSONAL CONTACT INFORMATION; AND
566 C. DISCIPLINARY RECORDS; AND
567 D. ANY DATA ELEMENTS LABELED AS CONFIDENTIAL BY THE DATA OWNER.

568 (2) THE FOLLOWING INTERNAL COMMISSION RECORDS:

- 569 A. PERSONNEL RECORDS OF COMMISSION STAFF;
570 B. COMMISSION PERSONNEL PRACTICE AND PROCEDURES;
571 C. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL
572 STATUTE
573 D. TRADE SECRETS, COMMERCIAL, OR FINANCIAL INFORMATION THAT IS
574 PRIVILEGED OR CONFIDENTIAL;
575 E. CENSURES AND ACCUSATIONS OF A CRIME;
576 F. PERSONAL INFORMATION WHERE DISCLOSURE WOULD CONSTITUTE AN
577 UNWARRANTED INVASION OF PERSONAL PRIVACY;
578 G. INVESTIGATIVE RECORDS COMPILED FOR LAW ENFORCEMENT PURPOSES;
579 H. THAT SPECIFICALLY RELATE TO A CIVIL ACTION OR OTHER LEGAL
580 PROCEEDING EXCEPT BY ORDER OF A COURT WITH JURISDICTION;
581 I. CLOSED SESSION RECORDS RELATED TO ANY OF THE ABOVE TOPICS;
582 J. RECORDS THAT CONTAIN LEGAL ADVICE OR ATTORNEY-CLIENT
583 COMMUNICATIONS OR ATTORNEY WORK PRODUCT;
584 K. CONFIDENTIAL MEDIATION OR ARBITRATION DOCUMENTS.

- 585 (3) AFTER CONSULTATION WITH COUNSEL, THE COMMISSION MAY DESIGNATE
586 RECORDS NOT DESIGNATED EXEMPT UNDER SECTIONS (1) OR (2) TO BE
587 CONFIDENTIAL AND NOT AVAILABLE TO THE PUBLIC FOR INSPECTION.

- 588 (A) **DIRECTION OF DATA REQUESTS:** THE COMMISSION SHALL DIRECT ALL REQUESTS FOR
589 DATA TO THE DESIGNATED DATA OWNER.

- 590 (B) **RESTRICTION ON RELEASE OF PERSONALLY IDENTIFIABLE INFORMATION AND**
591 **SENSITIVE DATA:** THE COMMISSION SHALL NOT RELEASE OR GENERATE PUBLIC
592 REPORTS THAT CONTAIN PERSONALLY IDENTIFIABLE INFORMATION OR SENSITIVE DATA.

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593 ALL MEASURES SHALL BE TAKEN TO ENSURE THAT SUCH INFORMATION REMAINS
594 CONFIDENTIAL AND SECURE.

595 (C) **SECURITY AND PROTECTION:** THE COMMISSION SHALL TAKE ALL NECESSARY
596 PRECAUTIONS TO PROTECT THE SECURITY AND INTEGRITY OF THE INFORMATION
597 PERTAINING TO THE NATION'S EMS WORKFORCE. THIS INCLUDES IMPLEMENTING
598 ROBUST SECURITY MEASURES AND PROTOCOLS TO PREVENT UNAUTHORIZED ACCESS,
599 DISCLOSURE, OR MISUSE OF DATA.

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

605

606 SECTION 12. Rulemaking

607 **12.0 Proposed Rules or amendments.** Proposed Rules or amendments to the Rules shall be
608 adopted by majority vote of the members of the Commission. Proposed new Rules and
609 amendments to existing Rules shall be submitted to the Commission office for referral to the
610 Rules committee as follows:

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

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

617 **12.1 Preparation of draft Rules.** The Rules committee shall prepare a draft of all proposed Rules
618 and provide the draft to all Commissioners for review and comments. Based on the comments
619 made by the Commissioners the Rules Committee shall prepare a final draft of the proposed
620 Rule(s) or amendments for consideration by the Commission not later than the next
621 Commission meeting.

622 **12.2 Publication of draft Rules.** Prior to promulgation and adoption of a final Rule (in accordance
623 with Section 12 of the Compact) the Commission shall publish the text of the proposed Rule
624 or amendment prepared by the Rules committee not later than sixty (60) days prior to the
625 meeting at which the vote is scheduled, on the official website of the Commission and in any
626 other official publication that may be designated by the Commission for the publication of its
627 Rules. All written comments received by the Rules committee on proposed Rules shall be
628 posted on the Commission's website upon receipt. In addition to the text of the proposed Rule
629 or amendment, the reason for the proposed Rule shall be provided.

630 **12.3 Notification.** Each administrative Rule or amendment shall State:

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

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

637 **12.4 Public Hearings.** Every public hearing shall be conducted in a manner guaranteeing each
638 person who wishes to comment a fair and reasonable opportunity to comment. In accordance
639 with Section 12.H. of the Compact, specifically:

- 640 (A) If a hearing is held on the proposed Rule or amendment, the Commission shall publish
641 the place, time, and date of the scheduled public hearing.
- 642 (B) All persons wishing to be heard at the hearing shall notify the Chairperson of the
643 Commission or other designated member in writing of their desire to appear and
644 testify at the hearing not less than five (5) business days before the scheduled date of
645 the hearing.
- 646 (C) Hearings shall be conducted in a manner providing each person who wishes to
647 comment a fair and reasonable opportunity to comment orally or in writing.
- 648 (D) No transcript of the public hearing is required, unless a written request for a transcript
649 is made; in which case the person or entity making the request shall pay for the
650 transcript. A recording may be made in lieu of a transcript under the same terms and
651 conditions as a transcript. This subsection shall not preclude the Commission from
652 making a transcript or recording of the public hearing.
- 653 (E) Nothing in this section shall be construed as requiring a separate hearing on each Rule.
654 Rules may be grouped for the convenience of the Commission at hearings required by
655 this section.
- 656 (F) Following the scheduled hearing date, or by the close of business on the scheduled
657 hearing date if the hearing was not held, the Commission shall consider all written and
658 oral comments received.
- 659 (G) The Commission shall, by majority vote of a quorum of the Commissioners, take final
660 action on the proposed Rule and shall determine the effective date of the Rule, if any,
661 based on the Rulemaking record and the full text of the Rule.

662 **12.5 Status of Rules upon adoption of additional Member States.** Any State that joins the
663 Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the
664 Rules as they exist on the date on which the Compact becomes law in that State. Any Rule
665 that has been previously adopted by the Commission shall have the full force and effect of
666 law on the day the Compact becomes law in that State.

667 **12.6 Emergency Rulemaking.** Upon determination that an emergency exists, the Commission
668 may consider and adopt an emergency Rule that shall become effective immediately upon
669 adoption, provided that the usual Rulemaking procedures provided in the Compact and in this
670 section shall be retroactively applied to the Rule as soon as reasonably possible, in no event
671 later than ninety (90) days after the effective date of the Rule. An emergency Rule is one that
672 must be made effective immediately in order to:

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- 673 (A) Meet an imminent threat to public health, safety, or welfare;
- 674 (B) Prevent a loss of federal or State funds;
- 675 (C) Meet a deadline for the promulgation of an administrative Rule that is established by
676 federal law or Rule; or
- 677 (D) Protect public health and safety.
- 678

679 SECTION 13. Compliance Issues and Dispute Resolution Process

680 13.1 Initiation of Compliance

- 681 (A) Compliance issues shall be initiated by the Executive Committee.
- 682 (B) The Executive Committee shall first seek to provide remedial education and specific
683 technical assistance for any potential default.
- 684 (C) For unresolved potential defaults, the Executive Committee shall send a written notice
685 of non-compliance to the Commissioner in the Member State with the alleged non-
686 compliance issue. The State shall respond in writing within thirty (30) calendar days.
 - 687 (1) If the Member States does not have a designated Commissioner, the written
688 notice of non-compliance shall be sent to the Governor of the Member State.
 - 689 (3) If the State fails to respond to the written notice, the Executive Committee,
690 through the Executive Director, shall send a written notice of non-compliance
691 to the Governor of the Member State, copied to the Commissioner, with the
692 alleged non-compliance issue.
 - 693 (3) If the response, in the determination of the Executive Committee fails to
694 reasonably resolve the non-compliance issue, the Executive Committee shall
695 request a written Plan of Correction.
- 696 (D) The Executive Committee shall provide a report and make a recommendation to the
697 Commission concerning issues of non-compliance that:
 - 698 (1) do not have an approved Plan of Correction, with progress; or
 - 699 (2) remain unresolved for three (3) or more calendar months.
- 700 (E) Grounds for default include but are not limited to, failure of a Compact State to
701 perform obligations or responsibilities imposed by the Compact, Commission Bylaws,
702 or duly promulgated Rules.
- 703 (F) If the Commission determines that a Compact State has at any time defaulted in the
704 performance of any of its obligations or responsibilities under the Compact, Bylaws or
705 duly promulgated Rules, the Commission shall notify the Commissioner and Governor
706 of the defaulting Compact State in writing. The Commission may impose any or all of
707 the following remedies:
 - 708 (1) Remedial education and technical support as directed by the Commission;

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- 709 (2) Damages and/or costs in such amounts as are deemed to be reasonable as fixed
710 by the Commission;
- 711 (3) Suspension of membership in the Compact; and
- 712 (4) Termination of membership in the Compact as provided in the Model
713 Legislation and administrative Rules.
- 714 (G) The Commission shall not bear any costs relating to the defaulting Compact State
715 unless otherwise mutually agreed upon between the Commission and the defaulting
716 Compact State.

13.2 Dispute Resolution Process – Informal, Mediation and Arbitration.

- 718 (A) The Commissioner from each Compact State shall enforce the Compact and take all
719 actions necessary and appropriate to carry out the Compact's purpose and intent. The
720 Commission supports efforts to resolve disputes between and among Compact States
721 and encourages communication directly between Compact States prior to employing
722 formal resolution methods.
- 723 (B) Any Compact State may submit a written request to the Executive Committee for
724 assistance in interpreting the law, Rules, and policies of the Compact. The Executive
725 Committee may seek the assistance of the Commission's legal counsel in interpreting
726 the Compact. The Executive Committee shall issue the Commission interpretation of
727 the Compact to all parties to the dispute.
- 728 (C) Before submitting a complaint to the Executive Committee, the complaining Member
729 State and responding Member State shall attempt to resolve the issues without
730 intervention by the Commission.
- 731 (D) When disputes among Member States are unresolved through informal attempts, the
732 Commission shall request assistance from the Executive Committee.
- 733 (1) It is the duty of the Executive Committee to address disputes between or
734 among the Member States concerning the Compact when informal attempts
735 between the Compact States to resolve disputes have been unsuccessful.
- 736 (2) The Executive Committee, on behalf of the Commission, in the reasonable
737 exercise of its discretion, has the authority to assist in the resolution of disputes
738 between and among Member States concerning the Compact.
- 739 (E) Informal Resolution
- 740 (1) In the event of a dispute arising from the interpretation or application of the
741 Compact by a Member State, the following procedure shall be followed:
- 742 (a) The Commissioner of the disputing State shall initiate contact with the
743 Commissioner(s) of the Member State(s) involved in the dispute.
- 744 (b) The initiating Commissioner shall provide a written Statement to the
745 Commissioner(s) of the concerned State(s). This Statement, which will
746 be copied to the Executive Committee, shall detail the nature of the
747 dispute.

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- 748 (c) Upon receipt of the dispute letter, the Commissioner(s) of the State(s)
749 involved shall:
- 750 (i) Review the contents of the letter.
751 (ii) Conduct an inquiry into the matter.
752 (iii) Provide a written response addressing the issues raised.
- 753 (d) The response must be issued, in writing copied to the Executive
754 Committee, within 30 calendar days from the receipt of the dispute
755 letter.
- 756 (e) If interpretation of the Compact is necessary, the Commissioner(s) shall
757 contact the Executive Committee via the Executive Director to request
758 assistance in interpreting relevant provisions.
- 759 (f) The Commissioner raising the concern shall document all attempts to
760 resolve the issues.
- 761 (2) If the issues cannot be resolved between the Member States, the dispute shall
762 be referred to the Executive Committee for further consideration.
- 763 (3) Disputes between two (2) or more Member States which cannot be resolved
764 through informal resolution or through the Executive Committee, may be
765 referred to mediation and/or an arbitration panel to resolve the issues.
- 766 (F) Mediation.
- 767 (1) A Compact State that is a party to a dispute may request, or the Executive
768 Committee may require, the submission of a matter in controversy to
769 mediation.
- 770 (2) Mediation shall be conducted by a mediator appointed by the Executive
771 Committee from a list of mediators approved by the National Association of
772 Certified Mediators, or a mediator otherwise agreed to by all parties to the
773 dispute and pursuant to procedures customarily used in mediation proceedings.
- 774 (3) If all issues are resolved through mediation to the satisfaction of all Member
775 States involved, no further action is required.
- 776 (4) In the event mediation is necessary, and unless otherwise agreed in advance by
777 all parties, the prevailing party or parties may be entitled to recover the costs of
778 such medication, including reasonable attorneys' fees, to the extent permitted
779 by State law of the prevailing party State. The Commission shall not be liable
780 for any fees, costs or charges pertaining to mediation.
- 781 (G) Arbitration.
- 782 (1) In the event of a dispute between Member States that cannot be resolved
783 through informal means or by mediation, the Commissioner of the initiating
784 Member State(s) shall submit an Arbitration Request form to the Executive
785 Director with a copy to be sent by the initiating State to the other Member
786 State(s) involved.

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- 787 (2) Each Member State party to the dispute shall submit a signed Arbitration
788 Agreement.
- 789 (3) The Executive Director shall coordinate the arbitration process.
- 790 (4) The decision of the arbitrator(s) shall be final and binding.
- 791 (5) In the event arbitration is necessary, and unless otherwise agreed by the
792 parties, at the discretion of an independent arbitration panel, the prevailing
793 party or parties may be entitled to recover the costs of such arbitration,
794 including reasonable attorneys' fees, to the extent permitted by State law of the
795 prevailing party State. The Commission shall not be liable for any fees, costs
796 or charges pertaining to arbitration.
- 797 (6) Arbitration decisions may be enforced in a court of competent jurisdiction.

798 **13.3 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State
799 unless otherwise mutually agreed upon between the Commission and the defaulting Compact
800 State.

801 **13.4 Judicial Enforcement.** The Commission may by majority vote of the Commissioners, initiate
802 legal action in the United States District Court for the Middle District of Pennsylvania to
803 enforce compliance with the provisions of the Compact, its duly promulgated Rules and
804 Bylaws against any Compact State in default. If judicial enforcement is necessary, the
805 prevailing party shall be awarded all costs of such litigation including reasonable attorney's
806 fees.

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

808 **14.1 Implementation Date.** The Compact was implemented on October 7, 2017, following the
809 enactment of the EMS Compact legislation in ten (10) Member States.

810 **14.2 Activation Date.** The Compact was activated on March 15, 2020.

811 **SECTION 15. Not Used**