

House Study Bill 192 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON KLEIN)

A BILL FOR

1 An Act establishing an emergency medical services personnel
2 licensure interstate compact.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147D.1 **Emergency medical services**
2 **personnel licensure interstate compact.**

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

21 a. Increase public access to emergency medical services
22 personnel.

23 b. Enhance the states' ability to protect the public's
24 health and safety, especially patient safety.

25 c. Encourage the cooperation of member states in the
26 areas of emergency medical services personnel licensure and
27 regulation.

28 d. Support licensing of military members who are separating
29 from an active duty tour and their spouses.

30 e. Facilitate the exchange of information between member
31 states regarding emergency medical services personnel
32 licensure, adverse action, and significant investigatory
33 information.

34 f. Promote compliance with the laws governing emergency
35 medical services personnel practice in each member state.

1 *g.* Invest all member states with the authority to hold
2 emergency medical services personnel accountable through the
3 mutual recognition of member state licenses.

4 2. *Definitions.* In this compact:

5 *a.* "*Advanced emergency medical technician*" or "*AEMT*" means
6 an individual licensed with cognitive knowledge and a scope
7 of practice that corresponds to that level in the national
8 emergency medical services education standards and national
9 emergency medical services scope of practice model.

10 *b.* "*Adverse action*" means any administrative, civil,
11 equitable, or criminal action permitted by a state's laws which
12 may be imposed against licensed emergency medical services
13 personnel by a state emergency medical services authority or
14 state court, including but not limited to actions against an
15 individual's license such as revocation, suspension, probation,
16 consent agreement, monitoring, or other limitation or
17 encumbrance on the individual's practice, letters of reprimand
18 or admonition, fines, criminal convictions, and state court
19 judgments enforcing adverse actions by the state emergency
20 medical services authority.

21 *c.* "*Alternative program*" means a voluntary, nondisciplinary
22 substance abuse recovery program approved by a state emergency
23 medical services authority.

24 *d.* "*Certification*" means the successful verification of
25 entry-level cognitive and psychomotor competency using a
26 reliable, validated, and legally defensible examination.

27 *e.* "*Commission*" means the national administrative body of
28 which all states that have enacted the compact are members.

29 *f.* "*Emergency medical technician*" or "*EMT*" means an
30 individual licensed with cognitive knowledge and a scope
31 of practice that corresponds to that level in the national
32 emergency medical services education standards and national
33 emergency medical services scope of practice model.

34 *g.* "*Home state*" means a member state where an individual is
35 licensed to practice emergency medical services.

- 1 *h. "License"* means the authorization by a state for an
2 individual to practice as an EMT, AEMT, paramedic, or a level
3 between EMT and paramedic.
- 4 *i. "Medical director"* means a physician licensed in a member
5 state who is accountable for the care delivered by emergency
6 medical services personnel.
- 7 *j. "Member state"* means a state that has enacted this
8 compact.
- 9 *k. "Paramedic"* means an individual licensed with cognitive
10 knowledge and a scope of practice that corresponds to that
11 level in the national emergency medical services education
12 standards and national emergency medical services scope of
13 practice model.
- 14 *l. "Privilege to practice"* means an individual's authority
15 to deliver emergency medical services in remote states as
16 authorized under this compact.
- 17 *m. "Remote state"* means a member state in which an
18 individual is not licensed.
- 19 *n. "Restricted"* means the outcome of an adverse action that
20 limits a license or the privilege to practice.
- 21 *o. "Rule"* means a written statement by the interstate
22 commission promulgated pursuant to subsection 12 of this
23 compact that is of general applicability; implements,
24 interprets, or prescribes a policy or provision of the compact;
25 or is an organizational, procedural, or practice requirement
26 of the commission and has the force and effect of statutory
27 law in a member state and includes the amendment, repeal, or
28 suspension of an existing rule.
- 29 *p. "Scope of practice"* means defined parameters of various
30 duties or services that may be provided by an individual with
31 specific credentials. Whether regulated by rule, statute, or
32 court decision, it tends to represent the limits of services an
33 individual may perform.
- 34 *q. "Significant investigatory information"* means:
35 (1) Investigative information that a state emergency

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

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

10 *r.* "State" means any state, commonwealth, district, or
11 territory of the United States.

12 *s.* "State emergency medical services authority" means the
13 board, office, or other agency with the legislative mandate to
14 license emergency medical services personnel.

15 3. *Home state licensure.*

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

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

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

26 (1) Currently requires the use of the national registry of
27 emergency medical technicians examination as a condition of
28 issuing initial licenses at the EMT and paramedic levels;

29 (2) Has a mechanism in place for receiving and investigating
30 complaints about individuals;

31 (3) Notifies the commission, in compliance with the terms
32 herein, of any adverse action or significant investigatory
33 information regarding an individual;

34 (4) No later than five years after activation of the
35 compact, requires a criminal background check of all applicants

1 for initial licensure, including the use of the results of
2 fingerprint or other biometric data checks compliant with
3 the requirements of the federal bureau of investigation
4 with the exception of federal employees who have suitability
5 determination in accordance with 5 C.F.R. §731.202 and submit
6 documentation of such as promulgated in the rules of the
7 commission; and

8 (5) Complies with the rules of the commission.

9 4. *Compact privilege to practice.*

10 a. Member states shall recognize the privilege to practice
11 of an individual licensed in another member state that is in
12 conformance with subsection 3.

13 b. To exercise the privilege to practice under the terms and
14 provisions of this compact, an individual must:

15 (1) Be at least eighteen years of age;

16 (2) Possess a current unrestricted license in a member state
17 as an EMT, AEMT, paramedic, or state-recognized and licensed
18 level with a scope of practice and authority between EMT and
19 paramedic; and

20 (3) Practice under the supervision of a medical director.

21 c. An individual providing patient care in a remote state
22 under the privilege to practice shall function within the scope
23 of practice authorized by the home state unless and until
24 modified by an appropriate authority in the remote state as may
25 be defined in the rules of the commission.

26 d. Except as provided in paragraph "c" of this subsection,
27 an individual practicing in a remote state will be subject to
28 the remote state's authority and laws. A remote state may, in
29 accordance with due process and that state's laws, restrict,
30 suspend, or revoke an individual's privilege to practice in
31 the remote state and may take any other necessary actions to
32 protect the health and safety of its citizens. If a remote
33 state takes action it shall promptly notify the home state and
34 the commission.

35 e. If an individual's license in any home state is

1 restricted or suspended, the individual shall not be eligible
2 to practice in a remote state under the privilege to practice
3 until the individual's home state license is restored.

4 *f.* If an individual's privilege to practice in any remote
5 state is restricted, suspended, or revoked the individual shall
6 not be eligible to practice in any remote state until the
7 individual's privilege to practice is restored.

8 *5. Conditions of practice in a remote state.* An individual
9 may practice in a remote state under a privilege to practice
10 only in the performance of the individual's emergency medical
11 services duties as assigned by an appropriate authority, as
12 defined in the rules of the commission, and under the following
13 circumstances:

14 *a.* The individual originates a patient transport in a home
15 state and transports the patient to a remote state;

16 *b.* The individual originates in the home state and enters
17 a remote state to pick up a patient and provide care and
18 transport of the patient to the home state;

19 *c.* The individual enters a remote state to provide patient
20 care and/or transport within that remote state;

21 *d.* The individual enters a remote state to pick up a patient
22 and provide care and transport to a third member state;

23 *e.* Other conditions as determined by rules promulgated by
24 the commission.

25 *6. Relationship to emergency management assistance*
26 *compact.* Upon a member state's governor's declaration of a
27 state of emergency or disaster that activates the emergency
28 management assistance compact, all relevant terms and
29 provisions of the emergency management assistance compact shall
30 apply and to the extent any terms or provisions of this compact
31 conflict with the emergency management assistance compact, the
32 terms of the emergency management assistance compact shall
33 prevail with respect to any individual practicing in the remote
34 state in response to such declaration.

35 *7. Veterans, service members separating from active duty*

1 *military, and their spouses.*

2 *a.* Member states shall consider a veteran, active military
3 service member, and member of the national guard and reserves
4 separating from an active duty tour, and a spouse thereof,
5 who holds a current, valid, unrestricted national registry
6 of emergency medical technicians certification at or above
7 the level of the state license being sought as satisfying
8 the minimum training and examination requirements for such
9 licensure.

10 *b.* Member states shall expedite the processing of licensure
11 applications submitted by veterans, active military service
12 members, and members of the national guard and reserves
13 separating from an active duty tour, and their spouses.

14 *c.* All individuals functioning with a privilege to practice
15 under this section remain subject to the adverse actions
16 provisions of subsection 8.

17 8. *Adverse actions.*

18 *a.* A home state shall have exclusive power to impose adverse
19 action against an individual's license issued by the home
20 state.

21 *b.* If an individual's license in any home state is
22 restricted or suspended, the individual shall not be eligible
23 to practice in a remote state under the privilege to practice
24 until the individual's home state license is restored.

25 (1) All home state adverse action orders shall include
26 a statement that the individual's compact privileges are
27 inactive. The order may allow the individual to practice in
28 remote states with prior written authorization from both the
29 home state's and remote state's emergency medical services
30 authority.

31 (2) An individual currently subject to adverse action in the
32 home state shall not practice in any remote state without prior
33 written authorization from both the home state's and remote
34 state's emergency medical services authority.

35 *c.* A member state shall report adverse actions and any

1 occurrences that the individual's compact privileges are
2 restricted, suspended, or revoked to the commission in
3 accordance with the rules of the commission.

4 *d.* A remote state may take adverse action on an individual's
5 privilege to practice within that state.

6 *e.* Any member state may take adverse action against an
7 individual's privilege to practice in that state based on the
8 factual findings of another member state, so long as each state
9 follows its own procedures for imposing such adverse action.

10 *f.* A home state's emergency medical services authority
11 shall investigate and take appropriate action with respect
12 to reported conduct in a remote state as it would if such
13 conduct had occurred within the home state. In such cases, the
14 home state's law shall control in determining the appropriate
15 adverse action.

16 *g.* Nothing in this compact shall override a member state's
17 decision that participation in an alternative program may be
18 used in lieu of adverse action and that such participation
19 shall remain nonpublic if required by the member state's
20 laws. Member states must require individuals who enter any
21 alternative programs to agree not to practice in any other
22 member state during the term of the alternative program without
23 prior authorization from such other member state.

24 *9. Additional powers invested in a member state's emergency*
25 *medical services authority.* A member state's emergency medical
26 services authority, in addition to any other powers granted
27 under state law, is authorized under this compact to:

28 *a.* Issue subpoenas for both hearings and investigations
29 that require the attendance and testimony of witnesses and the
30 production of evidence. Subpoenas issued by a member state's
31 emergency medical services authority for the attendance and
32 testimony of witnesses, and/or the production of evidence from
33 another member state, shall be enforced in the remote state by
34 any court of competent jurisdiction, according to that court's
35 practice and procedure in considering subpoenas issued in its

1 own proceedings. The issuing state emergency medical services
2 authority shall pay any witness fees, travel expenses, mileage,
3 and other fees required by the service statutes of the state
4 where the witnesses and/or evidence are located; and

5 *b.* Issue cease and desist orders to restrict, suspend, or
6 revoke an individual's privilege to practice in the state.

7 10. *Establishment of the interstate commission for emergency*
8 *medical services personnel practice.*

9 *a.* The compact states hereby create and establish a joint
10 public agency known as the interstate commission for emergency
11 medical services personnel practice.

12 (1) The commission is a body politic and an instrumentality
13 of the compact states.

14 (2) Venue is proper and judicial proceedings by or against
15 the commission shall be brought solely and exclusively in a
16 court of competent jurisdiction where the principal office of
17 the commission is located. The commission may waive venue and
18 jurisdictional defenses to the extent it adopts or consents to
19 participate in alternative dispute resolution proceedings.

20 (3) Nothing in this compact shall be construed to be a
21 waiver of sovereign immunity.

22 *b.* Membership, voting, and meetings.

23 (1) Each member state shall have and be limited to one
24 delegate. The responsible official of the state emergency
25 medical services authority or his designee shall be the
26 delegate to this compact for each member state. Any delegate
27 may be removed or suspended from office as provided by the law
28 of the state from which the delegate is appointed. Any vacancy
29 occurring in the commission shall be filled in accordance with
30 the laws of the member state in which the vacancy exists. In
31 the event that more than one board, office, or other agency
32 with the legislative mandate to license emergency medical
33 services personnel at and above the level of EMT exists, the
34 governor of the state will determine which entity will be
35 responsible for assigning the delegate.

1 (2) Each delegate shall be entitled to one vote with regard
2 to the promulgation of rules and creation of bylaws and shall
3 otherwise have an opportunity to participate in the business
4 and affairs of the commission. A delegate shall vote in
5 person or by such other means as provided in the bylaws. The
6 bylaws may provide for delegates' participation in meetings by
7 telephone or other means of communication.

8 (3) The commission shall meet at least once during each
9 calendar year. Additional meetings shall be held as set forth
10 in the bylaws.

11 (4) All meetings shall be open to the public, and public
12 notice of meetings shall be given in the same manner as
13 required under the rulemaking provisions in subsection 12.

14 (5) The commission may convene in a closed, nonpublic
15 meeting if the commission must discuss:

16 (a) Noncompliance of a member state with its obligations
17 under the compact;

18 (b) The employment, compensation, discipline or other
19 personnel matters, practices or procedures related to specific
20 employees, or other matters related to the commission's
21 internal personnel practices and procedures;

22 (c) Current, threatened, or reasonably anticipated
23 litigation;

24 (d) Negotiation of contracts for the purchase or sale of
25 goods, services, or real estate;

26 (e) Accusing any person of a crime or formally censuring any
27 person;

28 (f) Disclosure of trade secrets or commercial or financial
29 information that is privileged or confidential;

30 (g) Disclosure of information of a personal nature where
31 disclosure would constitute a clearly unwarranted invasion of
32 personal privacy;

33 (h) Disclosure of investigatory records compiled for law
34 enforcement purposes;

35 (i) Disclosure of information related to any investigatory

1 reports prepared by or on behalf of or for use of the
2 commission or other committee charged with responsibility of
3 investigation or determination of compliance issues pursuant
4 to the compact; or

5 (j) Matters specifically exempted from disclosure by
6 federal or member state statute.

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

19 c. The commission shall, by a majority vote of the
20 delegates, prescribe bylaws and rules to govern its conduct as
21 may be necessary or appropriate to carry out the purposes and
22 exercise the powers of the compact, including but not limited
23 to:

24 (1) Establishing the fiscal year of the commission;

25 (2) Providing reasonable standards and procedures:

26 (a) For the establishment and meetings of other committees;
27 and

28 (b) Governing any general or specific delegation of any
29 authority or function of the commission;

30 (3) Providing reasonable procedures for calling and
31 conducting meetings of the commission, ensuring reasonable
32 advance notice of all meetings, and providing an opportunity
33 for attendance of such meetings by interested parties,
34 with enumerated exceptions designed to protect the public's
35 interest, the privacy of individuals, and proprietary

1 information, including trade secrets. The commission may meet
2 in closed session only after a majority of the membership votes
3 to close a meeting in whole or in part. As soon as practicable,
4 the commission must make public a copy of the vote to close the
5 meeting revealing the vote of each member with no proxy votes
6 allowed;

7 (4) Establishing the titles, duties and authority, and
8 reasonable procedures for the election of the officers of the
9 commission;

10 (5) Providing reasonable standards and procedures for the
11 establishment of the personnel policies and programs of the
12 commission. Notwithstanding any civil service or other similar
13 laws of any member state, the bylaws shall exclusively govern
14 the personnel policies and programs of the commission;

15 (6) Promulgating a code of ethics to address permissible and
16 prohibited activities of commission members and employees;

17 (7) Providing a mechanism for winding up the operations of
18 the commission and the equitable disposition of any surplus
19 funds that may exist after the termination of the compact
20 after the payment and/or reserving of all of its debts and
21 obligations;

22 (8) The commission shall publish its bylaws and file a
23 copy thereof, and a copy of any amendment thereto, with the
24 appropriate agency or officer in each of the member states, if
25 any;

26 (9) The commission shall maintain its financial records in
27 accordance with the bylaws; and

28 (10) The commission shall meet and take such actions as are
29 consistent with the provisions of this compact and the bylaws.

30 d. The commission shall have the following powers:

31 (1) The authority to promulgate uniform rules to facilitate
32 and coordinate implementation and administration of this
33 compact. The rules shall have the force and effect of law and
34 shall be binding in all member states;

35 (2) To bring and prosecute legal proceedings or actions in

1 the name of the commission, provided that the standing of any
2 state emergency medical services authority or other regulatory
3 body responsible for emergency medical services personnel
4 licensure to sue or be sued under applicable law shall not be
5 affected;

6 (3) To purchase and maintain insurance and bonds;

7 (4) To borrow, accept, or contract for services of
8 personnel, including but not limited to employees of a member
9 state;

10 (5) To hire employees, elect or appoint officers, fix
11 compensation, define duties, grant such individuals appropriate
12 authority to carry out the purposes of the compact, and to
13 establish the commission's personnel policies and programs
14 relating to conflicts of interest, qualifications of personnel,
15 and other related personnel matters;

16 (6) To accept any and all appropriate donations and grants
17 of money, equipment, supplies, materials, and services, and to
18 receive, utilize, and dispose of the same, provided that at all
19 times the commission shall strive to avoid any appearance of
20 impropriety and/or conflict of interest;

21 (7) To lease, purchase, accept appropriate gifts or
22 donations of, or otherwise to own, hold, improve, or use,
23 any property, real, personal, or mixed, provided that at all
24 times the commission shall strive to avoid any appearance of
25 impropriety;

26 (8) To sell, convey, mortgage, pledge, lease, exchange,
27 abandon, or otherwise dispose of any property, real, personal,
28 or mixed;

29 (9) To establish a budget and make expenditures;

30 (10) To borrow money;

31 (11) To appoint committees, including advisory committees
32 comprised of members, state regulators, state legislators or
33 their representatives, and consumer representatives, and such
34 other interested persons as may be designated in this compact
35 and the bylaws;

1 (12) To provide and receive information from, and to
2 cooperate with, law enforcement agencies;

3 (13) To adopt and use an official seal; and

4 (14) To perform such other functions as may be necessary or
5 appropriate to achieve the purposes of this compact consistent
6 with the state regulation of emergency medical services
7 personnel licensure and practice.

8 e. Financing of the commission.

9 (1) The commission shall pay, or provide for the payment of,
10 the reasonable expenses of its establishment, organization, and
11 ongoing activities.

12 (2) The commission may accept any and all appropriate
13 revenue sources, donations, and grants of money, equipment,
14 supplies, materials, and services.

15 (3) The commission may levy on and collect an annual
16 assessment from each member state or impose fees on other
17 parties to cover the cost of the operations and activities
18 of the commission and its staff, which must be in a total
19 amount sufficient to cover its annual budget as approved each
20 year for which revenue is not provided by other sources. The
21 aggregate annual assessment amount shall be allocated based
22 upon a formula to be determined by the commission, which shall
23 promulgate a rule binding upon all member states.

24 (4) The commission shall not incur obligations of any kind
25 prior to securing the funds adequate to meet the same; nor
26 shall the commission pledge the credit of any of the member
27 states, except by and with the authority of the member state.

28 (5) The commission shall keep accurate accounts of all
29 receipts and disbursements. The receipts and disbursements of
30 the commission shall be subject to the audit and accounting
31 procedures established under its bylaws. However, all receipts
32 and disbursements of funds handled by the commission shall be
33 audited yearly by a certified or licensed public accountant,
34 and the report of the audit shall be included in and become
35 part of the annual report of the commission.

1 *f.* Qualified immunity, defense, and indemnification.

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

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

28 (3) The commission shall indemnify and hold harmless
29 any member, officer, executive director, employee, or
30 representative of the commission for the amount of any
31 settlement or judgment obtained against that person arising
32 out of any actual or alleged act, error, or omission that
33 occurred, within the scope of commission employment, duties,
34 or responsibilities, or that such person had a reasonable
35 basis for believing occurred, within the scope of commission

1 employment, duties, or responsibilities, provided that the
2 actual or alleged act, error, or omission did not result from
3 the intentional or willful or wanton misconduct of that person.

4 11. *Coordinated database.*

5 a. The commission shall provide for the development
6 and maintenance of a coordinated database and reporting
7 system containing licensure, adverse action, and significant
8 investigatory information on all licensed individuals in member
9 states.

10 b. Notwithstanding any other provision of state law to the
11 contrary, a member state shall submit a uniform data set to the
12 coordinated database on all individuals to whom this compact
13 is applicable as required by the rules of the commission,
14 including:

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

28 c. The coordinated database administrator shall promptly
29 notify all member states of any adverse action taken against,
30 or significant investigative information on, any individual in
31 a member state.

32 d. Member states contributing information to the coordinated
33 database may designate information that may not be shared with
34 the public without the express permission of the contributing
35 state.

1 e. Any information submitted to the coordinated database
2 that is subsequently required to be expunged by the laws of the
3 member state contributing the information shall be removed from
4 the coordinated database.

5 12. *Rulemaking.*

6 a. The commission shall exercise its rulemaking powers
7 pursuant to the criteria set forth in this section and the
8 rules adopted thereunder. Rules and amendments shall become
9 binding as of the date specified in each rule or amendment.

10 b. If a majority of the legislatures of the member states
11 rejects a rule, by enactment of a statute or resolution in the
12 same manner used to adopt the compact, then such rule shall
13 have no further force and effect in any member state.

14 c. Rules or amendments to the rules shall be adopted at a
15 regular or special meeting of the commission.

16 d. Prior to promulgation and adoption of a final rule or
17 rules by the commission, and at least sixty days in advance
18 of the meeting at which the rule will be considered and
19 voted upon, the commission shall file a notice of proposed
20 rulemaking:

21 (1) On the internet site of the commission; and

22 (2) On the internet site of each member state emergency
23 medical services authority or the publication in which each
24 state would otherwise publish proposed rules.

25 e. The notice of proposed rulemaking shall include:

26 (1) The proposed time, date, and location of the meeting in
27 which the rule will be considered and voted upon;

28 (2) The text of the proposed rule or amendment and the
29 reason for the proposed rule;

30 (3) A request for comments on the proposed rule from any
31 interested person; and

32 (4) The manner in which interested persons may submit notice
33 to the commission of their intention to attend the public
34 hearing and any written comments.

35 f. Prior to adoption of a proposed rule, the commission

1 shall allow persons to submit written data, facts, opinions,
2 and arguments, which shall be made available to the public.

3 *g.* The commission shall grant an opportunity for a public
4 hearing before it adopts a rule or amendment if a hearing is
5 requested by:

6 (1) At least twenty-five persons;

7 (2) A governmental subdivision or agency; or

8 (3) An association having at least twenty-five members.

9 *h.* If a hearing is held on the proposed rule or amendment,
10 the commission shall publish the place, time, and date of the
11 scheduled public hearing.

12 (1) All persons wishing to be heard at the hearing shall
13 notify the executive director of the commission or other
14 designated member in writing of their desire to appear and
15 testify at the hearing not less than five business days before
16 the scheduled date of the hearing.

17 (2) Hearings shall be conducted in a manner providing each
18 person who wishes to comment a fair and reasonable opportunity
19 to comment orally or in writing.

20 (3) No transcript of the hearing is required, unless
21 a written request for a transcript is made, in which case
22 the person requesting the transcript shall bear the cost of
23 producing the transcript. A recording may be made in lieu of a
24 transcript under the same terms and conditions as a transcript.
25 This subsection shall not preclude the commission from making a
26 transcript or recording of the hearing if it so chooses.

27 (4) Nothing in this section shall be construed as requiring
28 a separate hearing on each rule. Rules may be grouped for the
29 convenience of the commission at hearings required by this
30 section.

31 *i.* Following the scheduled hearing date, or by the close
32 of business on the scheduled hearing date if the hearing was
33 not held, the commission shall consider all written and oral
34 comments received.

35 *j.* The commission shall, by majority vote of all members,

1 take final action on the proposed rule and shall determine the
2 effective date of the rule, if any, based on the rulemaking
3 record and the full text of the rule.

4 *k.* If no written notice of intent to attend the public
5 hearing by interested parties is received, the commission may
6 proceed with promulgation of the proposed rule without a public
7 hearing.

8 *l.* Upon determination that an emergency exists, the
9 commission may consider and adopt an emergency rule without
10 prior notice, opportunity for comment, or hearing, provided
11 that the usual rulemaking procedures provided in the compact
12 and in this section shall be retroactively applied to the rule
13 as soon as reasonably possible, in no event later than ninety
14 days after the effective date of the rule. For the purposes of
15 this provision, an emergency rule is one that must be adopted
16 immediately in order to:

17 (1) Meet an imminent threat to public health, safety, or
18 welfare;

19 (2) Prevent a loss of commission or member state funds;

20 (3) Meet a deadline for the promulgation of an
21 administrative rule that is established by federal law or rule;
22 or

23 (4) Protect public health and safety.

24 *m.* The commission or an authorized committee of the
25 commission may direct revisions to a previously adopted rule
26 or amendment for purposes of correcting typographical errors,
27 errors in format, errors in consistency, or grammatical errors.
28 Public notice of any revisions shall be posted on the website
29 of the commission. The revision shall be subject to challenge
30 by any person for a period of thirty days after posting. The
31 revision may be challenged only on grounds that the revision
32 results in a material change to a rule. A challenge shall be
33 made in writing, and delivered to the chair of the commission
34 prior to the end of the notice period. If no challenge is
35 made, the revision will take effect without further action. If

1 the revision is challenged, the revision may not take effect
2 without the approval of the commission.

3 13. *Oversight, dispute resolution, and enforcement.*

4 a. Oversight.

5 (1) The executive, legislative, and judicial branches
6 of state government in each member state shall enforce this
7 compact and take all actions necessary and appropriate to
8 effectuate the compact's purposes and intent. The provisions
9 of this compact and the rules promulgated hereunder shall have
10 standing as statutory law.

11 (2) All courts shall take judicial notice of the compact
12 and the rules in any judicial or administrative proceeding in a
13 member state pertaining to the subject matter of this compact
14 which may affect the powers, responsibilities, or actions of
15 the commission.

16 (3) The commission shall be entitled to receive service
17 of process in any such proceeding, and shall have standing to
18 intervene in such a proceeding for all purposes. Failure to
19 provide service of process to the commission shall render a
20 judgment or order void as to the commission, this compact, or
21 promulgated rules.

22 b. Default, technical assistance, and termination.

23 (1) If the commission determines that a member state
24 has defaulted in the performance of its obligations or
25 responsibilities under this compact or the promulgated rules,
26 the commission shall:

27 (a) Provide written notice to the defaulting state and other
28 member states of the nature of the default, the proposed means
29 of curing the default and/or any other action to be taken by
30 the commission; and

31 (b) Provide remedial training and specific technical
32 assistance regarding the default.

33 (2) If a state in default fails to cure the default, the
34 defaulting state may be terminated from the compact upon an
35 affirmative vote of a majority of the member states, and all

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

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

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

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

19 (6) The defaulting state may appeal the action of the
20 commission by petitioning the United States district court
21 for the District of Columbia or the federal district where
22 the commission has its principal offices. The prevailing
23 member shall be awarded all costs of such litigation, including
24 reasonable attorney's fees.

25 *c.* Dispute resolution.

26 (1) Upon request by a member state, the commission shall
27 attempt to resolve disputes related to the compact that arise
28 among member states and between member and nonmember states.

29 (2) The commission shall promulgate a rule providing for
30 both mediation and binding dispute resolution for disputes as
31 appropriate.

32 *d.* Enforcement.

33 (1) The commission, in the reasonable exercise of its
34 discretion, shall enforce the provisions and rules of this
35 compact.

1 (2) By majority vote, the commission may initiate legal
2 action in the United States district court for the District
3 of Columbia or the federal district where the commission has
4 its principal offices against a member state in default to
5 enforce compliance with the provisions of the compact and its
6 promulgated rules and bylaws. The relief sought may include
7 both injunctive relief and damages. In the event judicial
8 enforcement is necessary, the prevailing member shall be
9 awarded all costs of such litigation, including reasonable
10 attorney's fees.

11 (3) The remedies herein shall not be the exclusive remedies
12 of the commission. The commission may pursue any other
13 remedies available under federal or state law.

14 14. *Date of implementation of the interstate commission for*
15 *emergency medical services personnel practice and associated*
16 *rules, withdrawal, and amendment.*

17 a. The compact shall come into effect on the date on
18 which the compact statute is enacted into law in the tenth
19 member state. The provisions, which become effective at
20 that time, shall be limited to the powers granted to the
21 commission relating to assembly and the promulgation of rules.
22 Thereafter, the commission shall meet and exercise rulemaking
23 powers necessary to the implementation and administration of
24 the compact.

25 b. Any state that joins the compact subsequent to the
26 commission's initial adoption of the rules shall be subject
27 to the rules as they exist on the date on which the compact
28 becomes law in that state. Any rule that has been previously
29 adopted by the commission shall have the full force and effect
30 of law on the day the compact becomes law in that state.

31 c. Any member state may withdraw from this compact by
32 enacting a statute repealing the same.

33 (1) A member state's withdrawal shall not take effect until
34 six months after enactment of the repealing statute.

35 (2) Withdrawal shall not affect the continuing requirement

1 of the withdrawing state's emergency medical services authority
2 to comply with the investigative and adverse action reporting
3 requirements of this compact prior to the effective date of
4 withdrawal.

5 *d.* Nothing contained in this compact shall be construed to
6 invalidate or prevent any emergency medical services personnel
7 licensure agreement or other cooperative arrangement between a
8 member state and a nonmember state that does not conflict with
9 the provisions of this compact.

10 *e.* This compact may be amended by the member states. No
11 amendment to this compact shall become effective and binding
12 upon any member state until it is enacted into the laws of all
13 member states.

14 15. *Construction and severability.* This compact shall be
15 liberally construed so as to effectuate the purposes thereof.
16 If this compact shall be held contrary to the constitution of
17 any state member thereto, the compact shall remain in full
18 force and effect as to the remaining member states. Nothing in
19 this compact supersedes state law or rules related to licensure
20 of emergency medical services agencies.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill establishes an emergency medical services
25 personnel licensure interstate compact. The compact instructs
26 a member state, the "remote state", to grant a privilege to
27 practice to a person licensed in another member state, the
28 "home state", when all of the following conditions are met:
29 the home state requires the use of the national registry of
30 emergency medical technicians examination as a condition of
31 licensing an emergency medical technician (EMT) or paramedic;
32 the home state has a mechanism for receiving and investigating
33 complaints about a licensee; the home state notifies the
34 commission administering the compact regarding adverse actions
35 or significant investigations taken against a licensee; the

1 home state, within five years after activation of the compact,
2 requires a criminal background check for all new applicants,
3 including the use of fingerprints or other biometric data;
4 the home state complies with the rules of the commission; the
5 licensee is at least 18 years of age; the licensee possesses
6 a current, unrestricted license in a member state to practice
7 as an EMT, advanced emergency medical technician (AEMT),
8 paramedic, or other similar profession recognized by the home
9 state; and the licensee practices under the supervision of
10 a medical director. The individual may only exercise the
11 compact privilege under the following circumstances: while
12 transporting a patient from a home state to a remote state,
13 while traveling from a home state to a remote state in order to
14 transport a patient from the remote state to the home state, to
15 provide care and transport within a remote state, to transport
16 a patient from one remote state to another remote state, and
17 under other conditions as determined by the commission.

18 The compact allows a person to practice in a remote state
19 within the same scope as the person could practice in the
20 home state. The remote state may restrict or revoke the
21 individual's right to practice in that state, consistent with
22 the remote state's laws and due process, so long as the remote
23 state then notifies the home state and the commission. A
24 person whose license is restricted or suspended in any home
25 state may not be granted the compact privilege in any remote
26 state.

27 In the case of an emergency, any conflicting terms of the
28 emergency management assistance compact prevail over the terms
29 of the emergency medical services personnel licensure compact.

30 The compact instructs member states to consider veterans,
31 active duty military service members, and members of the
32 national guard and reserves separating from an active tour
33 of duty and spouses thereof who hold a current, valid,
34 unrestricted national registry of emergency medical technicians
35 certification at a given level to have completed the minimum

1 training and examination requirements to obtain licensure
2 at that level. The compact also instructs member states to
3 expedite the processing of applications for licensure of such
4 persons.

5 The compact grants a home state the sole authority to
6 discipline a licensee licensed by that state. A home state
7 that takes an adverse action against a licensee must inform
8 the commission of such adverse action. A licensee currently
9 subject to an adverse action may not practice in any remote
10 state without written authorization from both the home
11 state and the remote state. The compact requires a home
12 state's EMT authority to investigate and punish reported
13 conduct in a remote state as if it had occurred in the home
14 state. The compact authorizes a home state emergency medical
15 services (EMS) authority to issue subpoenas for hearings and
16 investigations that shall be enforced in other member states
17 by any court of competent jurisdiction and to issue cease
18 and desist orders to restrict, suspend, or revoke a person's
19 license to practice in that state.

20 The compact establishes the interstate commission for EMS
21 personnel practice. The commission consists of one delegate
22 from each member state, who shall be the responsible official
23 of the state EMS authority or that person's designee. If more
24 than one such entity exists, the governor of the state shall
25 determine which agency shall be responsible for assigning
26 the delegate. The commission shall meet at least once each
27 calendar year, and each delegate shall have one vote with
28 regard to the promulgation of rules and creation of bylaws.
29 The compact requires meetings of the commission to be public
30 and preceded by notice unless the commission must discuss
31 certain enumerated matters, which must be referenced by the
32 commission's legal counsel or designee. The commission must
33 keep detailed minutes of all meetings.

34 The compact permits the commission to prescribe rules
35 and bylaws to govern its conduct by a majority vote of the

1 delegates. The compact also grants the commission the power to
2 promulgate rules to facilitate and coordinate implementation of
3 the compact that shall have the force of law in member states
4 to bring legal proceedings in the name of the commission; to
5 lease, purchase, or sell property; and to appoint committees,
6 among other powers. To finance the commission, the commission
7 may collect an annual fee from each member state or impose fees
8 on other parties. The commission must keep an accurate account
9 of all receipts and disbursements, which shall be audited
10 yearly.

11 The compact grants qualified immunity from suit and
12 liability to the members, officers, executive director,
13 employees, and representatives of the commission for all
14 claims caused by or arising out of the execution of their
15 official duties. Any such person subject to suit shall be
16 defended and indemnified by the commission. A person who
17 acts intentionally, willfully, or wantonly is not entitled to
18 qualified immunity, defense, or indemnity.

19 The compact requires the commission to provide for the
20 development and maintenance of a coordinated database and
21 reporting system containing licensure, adverse action,
22 and significant investigatory information on all licensed
23 individuals in member states. The compact requires the
24 administrator of the database to promptly notify all member
25 states of any adverse action taken against, or significant
26 investigative information on, any individual in a member state.
27 The compact permits a member state contributing information
28 to the database to indicate that such information shall not
29 be shared with the public without the express permission of
30 the contributing state. The compact requires any information
31 that must be expunged according to the laws of the member
32 state contributing the information to also be purged from the
33 database.

34 The compact requires the commission to publish a notice of
35 proposed rulemaking at least 60 days prior to the adoption

1 of a final rule. During this time period, the commission
2 shall request comments from any interested person, which
3 the commission shall consider. The commission shall grant
4 an opportunity for a public hearing before it adopts a rule
5 or amendment if such a hearing is requested by at least
6 25 persons, a governmental subdivision or agency, or an
7 association having at least 25 members. In the event of an
8 emergency, the commission may adopt rules without prior notice.
9 Any rule promulgated by the commission shall cease to have
10 effect if the legislatures of a majority of member states enact
11 statutes rejecting the rule.

12 The compact requires the government of each member state
13 to enforce the compact and to accord to it and any rules
14 promulgated by the commission the status of statutory law.
15 The compact also requires the courts of each member state to
16 take judicial notice of the compact in proceedings pertaining
17 to the subject matter of the compact which may affect the
18 powers, responsibilities, or actions of the commission. The
19 commission shall be entitled to receive service of process in
20 any such proceeding and shall have standing to intervene in
21 such proceedings. Failure to provide service of process upon
22 the commission shall render a judgment or order void as to the
23 commission, the compact, or promulgated rules.

24 The compact requires the commission to, upon finding
25 that a member state has defaulted in its obligations or
26 responsibilities, provide written notice to all member states
27 of the nature of the default, the proposed means of curing the
28 default, and any other action to be taken by the commission.
29 The commission shall also provide remedial training and
30 specific technical assistance regarding the default. A state
31 that fails to cure its default may be terminated from the
32 compact upon an affirmative vote of a majority of member states
33 after notification has been given by the commission to the
34 governor and legislature of the defaulting state and each of
35 the member states. A defaulting state may appeal the actions

1 of the commission by petitioning the U.S. district court for
2 the District of Columbia or the federal district court where
3 the commission has its principal offices.

4 The compact requires the commission to, upon request by
5 a member state, attempt to resolve disputes related to the
6 compact among member states and between member and nonmember
7 states.

8 The compact permits the commission to, upon a majority vote
9 of the commission, initiate legal proceedings against a member
10 state in default in order to enforce the provisions of the
11 compact.

12 The compact came into effect upon its enactment into law
13 by the tenth member state. Any state joining the compact
14 subsequent to its adoption does so subject to any existing
15 rules. A member state may withdraw from the compact by
16 enacting legislation repealing the compact, provided that
17 withdrawal shall not be effective until six months after the
18 enactment of such legislation. The compact may be amended by
19 member states, provided that no amendment shall be effective
20 until it is enacted into the laws of all member states.