

House File 694 - Reprinted

HOUSE FILE 694

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 192)

(As Amended and Passed by the House March 21, 2019)

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

DIVISION I

EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE
COMPACT

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

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

a. Increase public access to emergency medical services personnel.

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

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

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

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

1 information.

2 *f.* Promote compliance with the laws governing emergency
3 medical services personnel practice in each member state.

4 *g.* Invest all member states with the authority to hold
5 emergency medical services personnel accountable through the
6 mutual recognition of member state licenses.

7 2. *Definitions.* In this compact:

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

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

24 *c.* "*Alternative program*" means a voluntary, nondisciplinary
25 substance abuse recovery program approved by a state emergency
26 medical services authority.

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

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

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

1 emergency medical services scope of practice model.

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

4 *h. "License"* means the authorization by a state for an
5 individual to practice as an EMT, AEMT, paramedic, or a level
6 between EMT and paramedic.

7 *i. "Medical director"* means a physician licensed in a member
8 state who is accountable for the care delivered by emergency
9 medical services personnel.

10 *j. "Member state"* means a state that has enacted this
11 compact.

12 *k. "Paramedic"* means an individual licensed with cognitive
13 knowledge and a scope of practice that corresponds to that
14 level in the national emergency medical services education
15 standards and national emergency medical services scope of
16 practice model.

17 *l. "Privilege to practice"* means an individual's authority
18 to deliver emergency medical services in remote states as
19 authorized under this compact.

20 *m. "Remote state"* means a member state in which an
21 individual is not licensed.

22 *n. "Restricted"* means the outcome of an adverse action that
23 limits a license or the privilege to practice.

24 *o. "Rule"* means a written statement by the interstate
25 commission promulgated pursuant to subsection 12 of this
26 compact that is of general applicability; implements,
27 interprets, or prescribes a policy or provision of the compact;
28 or is an organizational, procedural, or practice requirement
29 of the commission and has the force and effect of statutory
30 law in a member state and includes the amendment, repeal, or
31 suspension of an existing rule.

32 *p. "Scope of practice"* means defined parameters of various
33 duties or services that may be provided by an individual with
34 specific credentials. Whether regulated by rule, statute, or
35 court decision, it tends to represent the limits of services an

1 individual may perform.

2 *q. "Significant investigatory information" means:*

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

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

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

15 *s. "State emergency medical services authority" means the*
16 *board, office, or other agency with the legislative mandate to*
17 *license emergency medical services personnel.*

18 3. *Home state licensure.*

19 *a. Any member state in which an individual holds a current*
20 *license shall be deemed a home state for purposes of this*
21 *compact.*

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

26 *c. A home state's license authorizes an individual to*
27 *practice in a remote state under the privilege to practice only*
28 *if the home state:*

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

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

34 (3) Notifies the commission, in compliance with the terms
35 herein, of any adverse action or significant investigatory

1 information regarding an individual;

2 (4) No later than five years after activation of the
3 compact, requires a criminal background check of all applicants
4 for initial licensure, including the use of the results of
5 fingerprint or other biometric data checks compliant with
6 the requirements of the federal bureau of investigation
7 with the exception of federal employees who have suitability
8 determination in accordance with 5 C.F.R. §731.202 and submit
9 documentation of such as promulgated in the rules of the
10 commission; and

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

12 4. *Compact privilege to practice.*

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

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

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

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

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

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

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

1 state takes action it shall promptly notify the home state and
2 the commission.

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

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

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

17 a. The individual originates a patient transport in a home
18 state and transports the patient to a remote state;

19 b. The individual originates in the home state and enters
20 a remote state to pick up a patient and provide care and
21 transport of the patient to the home state;

22 c. The individual enters a remote state to provide patient
23 care and/or transport within that remote state;

24 d. The individual enters a remote state to pick up a patient
25 and provide care and transport to a third member state;

26 e. Other conditions as determined by rules promulgated by
27 the commission.

28 6. *Relationship to emergency management assistance*
29 *compact.* Upon a member state's governor's declaration of a
30 state of emergency or disaster that activates the emergency
31 management assistance compact, all relevant terms and
32 provisions of the emergency management assistance compact shall
33 apply and to the extent any terms or provisions of this compact
34 conflict with the emergency management assistance compact, the
35 terms of the emergency management assistance compact shall

1 prevail with respect to any individual practicing in the remote
2 state in response to such declaration.

3 7. *Veterans, service members separating from active duty*
4 *military, and their spouses.*

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

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

17 c. All individuals functioning with a privilege to practice
18 under this section remain subject to the adverse actions
19 provisions of subsection 8.

20 8. *Adverse actions.*

21 a. A home state shall have exclusive power to impose adverse
22 action against an individual's license issued by the home
23 state.

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

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

34 (2) An individual currently subject to adverse action in the
35 home state shall not practice in any remote state without prior

1 written authorization from both the home state's and remote
2 state's emergency medical services authority.

3 c. A member state shall report adverse actions and any
4 occurrences that the individual's compact privileges are
5 restricted, suspended, or revoked to the commission in
6 accordance with the rules of the commission.

7 d. A remote state may take adverse action on an individual's
8 privilege to practice within that state.

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

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

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

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

31 a. Issue subpoenas for both hearings and investigations
32 that require the attendance and testimony of witnesses and the
33 production of evidence. Subpoenas issued by a member state's
34 emergency medical services authority for the attendance and
35 testimony of witnesses, and/or the production of evidence from

1 another member state, shall be enforced in the remote state by
2 any court of competent jurisdiction, according to that court's
3 practice and procedure in considering subpoenas issued in its
4 own proceedings. The issuing state emergency medical services
5 authority shall pay any witness fees, travel expenses, mileage,
6 and other fees required by the service statutes of the state
7 where the witnesses and/or evidence are located; and

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

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

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

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

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

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

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

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

1 services personnel at and above the level of EMT exists, the
2 governor of the state will determine which entity will be
3 responsible for assigning the delegate.

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

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

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

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

19 (a) Noncompliance of a member state with its obligations
20 under the compact;

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

25 (c) Current, threatened, or reasonably anticipated
26 litigation;

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

29 (e) Accusing any person of a crime or formally censuring any
30 person;

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

33 (g) Disclosure of information of a personal nature where
34 disclosure would constitute a clearly unwarranted invasion of
35 personal privacy;

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

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

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

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

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

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

28 (2) Providing reasonable standards and procedures:

29 (a) For the establishment and meetings of other committees;
30 and

31 (b) Governing any general or specific delegation of any
32 authority or function of the commission;

33 (3) Providing reasonable procedures for calling and
34 conducting meetings of the commission, ensuring reasonable
35 advance notice of all meetings, and providing an opportunity

1 for attendance of such meetings by interested parties,
2 with enumerated exceptions designed to protect the public's
3 interest, the privacy of individuals, and proprietary
4 information, including trade secrets. The commission may meet
5 in closed session only after a majority of the membership votes
6 to close a meeting in whole or in part. As soon as practicable,
7 the commission must make public a copy of the vote to close the
8 meeting revealing the vote of each member with no proxy votes
9 allowed;

10 (4) Establishing the titles, duties and authority, and
11 reasonable procedures for the election of the officers of the
12 commission;

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

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

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

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

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

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

33 d. The commission shall have the following powers:

34 (1) The authority to promulgate uniform rules to facilitate
35 and coordinate implementation and administration of this

1 compact. The rules shall have the force and effect of law and
2 shall be binding in all member states;

3 (2) To bring and prosecute legal proceedings or actions in
4 the name of the commission, provided that the standing of any
5 state emergency medical services authority or other regulatory
6 body responsible for emergency medical services personnel
7 licensure to sue or be sued under applicable law shall not be
8 affected;

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

10 (4) To borrow, accept, or contract for services of
11 personnel, including but not limited to employees of a member
12 state;

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

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

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

29 (8) To sell, convey, mortgage, pledge, lease, exchange,
30 abandon, or otherwise dispose of any property, real, personal,
31 or mixed;

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

33 (10) To borrow money;

34 (11) To appoint committees, including advisory committees
35 comprised of members, state regulators, state legislators or

1 their representatives, and consumer representatives, and such
2 other interested persons as may be designated in this compact
3 and the bylaws;

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

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

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

11 e. Financing of the commission.

12 (1) The commission shall pay, or provide for the payment of,
13 the reasonable expenses of its establishment, organization, and
14 ongoing activities.

15 (2) The commission may accept any and all appropriate
16 revenue sources, donations, and grants of money, equipment,
17 supplies, materials, and services.

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

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

31 (5) The commission shall keep accurate accounts of all
32 receipts and disbursements. The receipts and disbursements of
33 the commission shall be subject to the audit and accounting
34 procedures established under its bylaws. However, all receipts
35 and disbursements of funds handled by the commission shall be

1 audited yearly by a certified public accountant, and the report
2 of the audit shall be included in and become part of the annual
3 report of the commission.

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

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

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

31 (3) The commission shall indemnify and hold harmless
32 any member, officer, executive director, employee, or
33 representative of the commission for the amount of any
34 settlement or judgment obtained against that person arising
35 out of any actual or alleged act, error, or omission that

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

7 11. *Coordinated database.*

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

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

18 (1) Identifying information;

19 (2) Licensure data;

20 (3) Significant investigatory information;

21 (4) Adverse actions against an individual's license;

22 (5) An indicator that an individual's privilege to practice
23 is restricted, suspended, or revoked;

24 (6) Nonconfidential information related to alternative
25 program participation;

26 (7) Any denial of application for licensure, and the
27 reason(s) for such denial; and

28 (8) Other information that may facilitate the
29 administration of this compact, as determined by the rules of
30 the commission.

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

35 d. Member states contributing information to the coordinated

1 database may designate information that may not be shared with
2 the public without the express permission of the contributing
3 state.

4 *e.* Any information submitted to the coordinated database
5 that is subsequently required to be expunged by the laws of the
6 member state contributing the information shall be removed from
7 the coordinated database.

8 12. *Rulemaking.*

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

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

17 *c.* Rules or amendments to the rules shall be adopted at a
18 regular or special meeting of the commission.

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

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

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

28 *e.* The notice of proposed rulemaking shall include:

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

31 (2) The text of the proposed rule or amendment and the
32 reason for the proposed rule;

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

35 (4) The manner in which interested persons may submit notice

1 to the commission of their intention to attend the public
2 hearing and any written comments.

3 *f.* Prior to adoption of a proposed rule, the commission
4 shall allow persons to submit written data, facts, opinions,
5 and arguments, which shall be made available to the public.

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

9 (1) At least twenty-five persons;

10 (2) A governmental subdivision or agency; or

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

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

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

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

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

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

34 *i.* Following the scheduled hearing date, or by the close
35 of business on the scheduled hearing date if the hearing was

1 not held, the commission shall consider all written and oral
2 comments received.

3 *j.* The commission shall, by majority vote of all members,
4 take final action on the proposed rule and shall determine the
5 effective date of the rule, if any, based on the rulemaking
6 record and the full text of the rule.

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

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

20 (1) Meet an imminent threat to public health, safety, or
21 welfare;

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

23 (3) Meet a deadline for the promulgation of an
24 administrative rule that is established by federal law or rule;
25 or

26 (4) Protect public health and safety.

27 *m.* The commission or an authorized committee of the
28 commission may direct revisions to a previously adopted rule
29 or amendment for purposes of correcting typographical errors,
30 errors in format, errors in consistency, or grammatical errors.
31 Public notice of any revisions shall be posted on the website
32 of the commission. The revision shall be subject to challenge
33 by any person for a period of thirty days after posting. The
34 revision may be challenged only on grounds that the revision
35 results in a material change to a rule. A challenge shall be

1 made in writing, and delivered to the chair of the commission
2 prior to the end of the notice period. If no challenge is
3 made, the revision will take effect without further action. If
4 the revision is challenged, the revision may not take effect
5 without the approval of the commission.

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

7 a. Oversight.

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

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

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

25 b. Default, technical assistance, and termination.

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

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

34 (b) Provide remedial training and specific technical
35 assistance regarding the default.

1 (2) If a state in default fails to cure the default, the
2 defaulting state may be terminated from the compact upon an
3 affirmative vote of a majority of the member states, and all
4 rights, privileges, and benefits conferred by this compact may
5 be terminated on the effective date of termination. A cure of
6 the default does not relieve the offending state of obligations
7 or liabilities incurred during the period of default.

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

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

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

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

28 *c.* Dispute resolution.

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

32 (2) The commission shall promulgate a rule providing for
33 both mediation and binding dispute resolution for disputes as
34 appropriate.

35 *d.* Enforcement.

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

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

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

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

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

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

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

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

3 (2) Withdrawal shall not affect the continuing requirement
4 of the withdrawing state's emergency medical services authority
5 to comply with the investigative and adverse action reporting
6 requirements of this compact prior to the effective date of
7 withdrawal.

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

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

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

24 DIVISION II

25 IMPLEMENTING CHANGES

26 Sec. 2. Section 147A.1, subsection 4, Code 2019, is amended
27 to read as follows:

28 4. "*Emergency medical care provider*" means an individual
29 trained to provide emergency and nonemergency medical care at
30 the emergency medical responder, emergency medical technician,
31 advanced emergency medical technician, paramedic, or other
32 certification levels adopted by rule by the department, who
33 has been issued a certificate by the department, or a person
34 practicing pursuant to chapter 147D.

35 Sec. 3. Section 147A.1A, Code 2019, is amended to read as

1 follows:

2 **147A.1A Lead agency.**

3 The department is designated as the lead agency for
4 coordinating and implementing the provision of emergency
5 medical services in this state. The department shall be the
6 state EMS authority for the purposes of chapter 147D.

7 Sec. 4. Section 147A.4, Code 2019, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5. The department shall recognize the
10 practice requirements of recognition of the emergency medical
11 services personnel licensure interstate compact, chapter 147D,
12 and shall adopt rules necessary for the implementation of the
13 compact.

14 Sec. 5. Section 147A.6, Code 2019, is amended to read as
15 follows:

16 **147A.6 Emergency medical care provider certificates — fees**
17 **and renewal.**

18 1. The department, upon initial application and receipt
19 of the prescribed initial application fee, shall issue
20 a certificate to an individual who has met all of the
21 requirements for emergency medical care provider certification
22 established by the rules adopted under section 147A.4,
23 subsection 2. All fees received pursuant to **this section**
24 ~~shall be deposited in the emergency medical services fund~~
25 ~~established in **section 135.25**~~ retained by the department. The
26 moneys retained by the department shall be used for any of
27 the department's duties under this chapter, including but not
28 limited to the addition of full-time equivalent positions for
29 program services and investigations. Revenues retained by
30 the department pursuant to this section shall be considered
31 repayment receipts as defined in section 8.2. Notwithstanding
32 section 8.33, moneys retained by the department pursuant to
33 this section are not subject to reversion to the general fund
34 of the state.

35 2. The department, upon renewal application and receipt

1 of the prescribed renewal application fee, shall issue
2 a certificate to an individual who has met all of the
3 requirements for emergency medical care provider certification
4 established by the rules adopted under section 147A.4,
5 subsection 2. All fees collected pursuant to this section
6 shall be deposited in the emergency medical services fund
7 established in section 135.25.

8 ~~2.~~ 3. Emergency medical care provider certificates are
9 valid for the multiyear period determined by the department,
10 unless sooner suspended or revoked. The certificate shall
11 be renewed upon application of the holder and receipt of the
12 prescribed fee if the holder has satisfactorily completed
13 continuing medical education programs as required by rule.