

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 659

BY SENATOR BLAIR

[Originating in the Committee on Interstate
Cooperation; reported on March 23, 2017]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-52-1, relating to enacting the Recognition of Emergency Medical Services
3 Personnel Licensure Interstate Compact; and entering into the compact with all
4 jurisdictions also enacting the compact.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §16-52-1, to read as follows:

**ARTICLE 52. RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE
COMPACT.**

**§16-52-1 Recognition of Emergency Medical Services Personnel Licensure Interstate
Compact.**

1 The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact
2 is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form
3 substantially as follows:

4 **SECTION 1. PURPOSE**

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

- 15 1. Increase public access to EMS personnel;
- 16 2. Enhance the states' ability to protect the public's health and safety, especially patient
17 safety;
- 18 3. Encourage the cooperation of member states in the areas of EMS licensure and
19 regulation;
- 20 4. Support licensing of military members who are separating from an active duty tour and
21 licensing of their spouses;
- 22 5. Facilitate the exchange of information between member states regarding EMS
23 personnel licensure, adverse action, and significant investigatory information;
- 24 6. Promote compliance with the laws governing EMS personnel practice in each member
25 state; and
- 26 7. Invest all member states with the authority to hold EMS personnel accountable through
27 the mutual recognition of member state licenses.

§16-52-2. DEFINITIONS

28 In this compact:

29 A. "Advanced Emergency Medical Technician (AEMT)" means an individual licensed with
30 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
31 Education Standards and National EMS Scope of Practice Model.

32 B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted
33 by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority
34 or state court, including, but not limited to, actions against an individual's license such as
35 revocation, suspension, probation, consent agreement, monitoring or other limitation or
36 encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal
37 convictions, and state court judgments enforcing adverse actions by the state EMS authority.

38 C. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery
39 program approved by a state EMS authority.

40 D. "Certification" means the successful verification of entry-level cognitive and
41 psychomotor competency using a reliable, validated, and legally defensible examination.

42 E. "Commission" means the national administrative body of which all states that have
43 enacted the compact are members.

44 F. "Emergency medical technician (EMT)" means an individual licensed with cognitive
45 knowledge and a scope of practice that corresponds to that level in the National EMS Education
46 Standards and National EMS Scope of Practice Model.

47 G. "Home state" means a member state where an individual is licensed to practice
48 emergency medical services.

49 H. "License" means the authorization by a state for an individual to practice as an EMT,
50 AEMT, or paramedic or at a level in between EMT and paramedic.

51 I. "Medical director" means a physician licensed in a member state who is accountable for
52 the care delivered by EMS personnel.

53 J. "Member state" means a state that has enacted this compact.

54 K. "Privilege to practice" means an individual's authority to deliver emergency medical
55 services in remote states as authorized under this compact.

56 L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of
57 practice that corresponds to that level in the National EMS Education Standards and National
58 EMS Scope of Practice Model.

59 M. "Remote state" means a member state in which an individual is not licensed.

60 N. "Restricted" means the outcome of an adverse action that limits a license or the
61 privilege to practice.

62 O. "Rule" means a written statement by the interstate Commission promulgated pursuant
63 to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes
64 a policy or provision of the compact; or is an organizational, procedural, or practice requirement
65 of the Commission and has the force and effect of statutory law in a member state and includes

66 the amendment, repeal, or suspension of an existing rule.

67 P. "Scope of practice" means defined parameters of various duties or services that may
68 be provided by an individual with specific credentials. Whether regulated by rule, statute, or court
69 decision, it tends to represent the limits of services an individual may perform.

70 Q. "Significant investigatory information" means:

71 1. Investigative information that a state EMS authority, after a preliminary inquiry that
72 includes notification and an opportunity to respond if required by state law, has reason to believe,
73 if proved true, would result in the imposition of an adverse action on a license or privilege to
74 practice; or

75 2. Investigative information that indicates that the individual represents an immediate
76 threat to public health and safety regardless of whether the individual has been notified and had
77 an opportunity to respond.

78 R. "State" means any state, commonwealth, district, or territory of the United States.

79 S. "State EMS authority" means the board, office, or other agency with the legislative
80 mandate to license EMS personnel.

§16-52-3. HOME STATE LICENSURE.

81 A. Any member state in which an individual holds a current license shall be deemed a
82 home state for purposes of this compact.

83 B. Any member state may require an individual to obtain and retain a license to be
84 authorized to practice in the member state under circumstances not authorized by the privilege to
85 practice under the terms of this compact.

86 C. A home state's license authorizes an individual to practice in a remote state under the
87 privilege to practice only if the home state:

88 1. Currently requires the use of the National Registry of Emergency Medical Technicians
89 (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

90 2. Has a mechanism in place for receiving and investigating complaints about individuals;

91 3. Notifies the Commission, in compliance with the terms herein, of any adverse action or
92 significant investigatory information regarding an individual;

93 4. No later than five years after activation of the compact, requires a criminal background
94 check of all applicants for initial licensure, including the use of the results of fingerprint or other
95 biometric data checks compliant with the requirements of the Federal Bureau of Investigation with
96 the exception of federal employees who have suitability determination in accordance with 5 C.F.R.
97 §731.202 and submit documentation of such as promulgated in the rules of the Commission; and

98 5. Complies with the rules of the Commission.

§16-52-4. COMPACT PRIVILEGE TO PRACTICE.

99 A. Member states shall recognize the privilege to practice of an individual licensed in
100 another member state that is in conformance with Section 3.

101 B. To exercise the privilege to practice under the terms and provisions of this compact, an
102 individual must:

103 1. Be at least 18 years of age;

104 2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic,
105 or state recognized and licensed level with a scope of practice and authority between EMT and
106 paramedic; and

107 3. Practice under the supervision of a medical director.

108 C. An individual providing patient care in a remote state under the privilege to practice
109 shall function within the scope of practice authorized by the home state unless and until modified
110 by an appropriate authority in the remote state as may be defined in the rules of the Commission.

111 D. Except as provided in Section 4 subsection C, an individual practicing in a remote state
112 will be subject to the remote state's authority and laws. A remote state may, in accordance with
113 due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice
114 in the remote state and may take any other necessary actions to protect the health and safety of
115 its citizens. If a remote state takes action, it shall promptly notify the home state and the

116 Commission.

117 E. If an individual's license in any home state is restricted or suspended, the individual
118 shall not be eligible to practice in a remote state under the privilege to practice until the individual's
119 home state license is restored.

120 F. If an individual's privilege to practice in any remote state is restricted, suspended, or
121 revoked, the individual shall not be eligible to practice in any remote state until the individual's
122 privilege to practice is restored.

§16-52-5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

123 An individual may practice in a remote state under a privilege to practice only in the
124 performance of the individual's EMS duties as assigned by an appropriate authority, as defined
125 in the rules of the Commission, and under the following circumstances:

126 1. The individual originates a patient transport in a home state and transports the patient
127 to a remote state;

128 2. The individual originates in the home state and enters a remote state to pick up a patient
129 and provide care and transport of the patient to the home state;

130 3. The individual enters a remote state to provide patient care and/or transport within that
131 remote state;

132 4. The individual enters a remote state to pick up a patient and provide care and transport
133 to a third member state;

134 5. Other conditions as determined by rules promulgated by the Commission.

§16-52-6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

135 Upon a member state's Governor's declaration of a state of emergency or disaster that
136 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
137 provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflict
138 with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote
139 state in response to such declaration.

**§16-52-7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY,
AND THEIR SPOUSES**

140 A. Member states shall consider a veteran, active military service member, and member
141 of the National Guard and Reserves separating from an active duty tour, and a spouse thereof,
142 who holds a current valid and unrestricted NREMT certification at or above the level of the state
143 license being sought as satisfying the minimum training and examination requirements for such
144 licensure.

145 B. Member states shall expedite the processing of licensure applications submitted by
146 veterans, active military service members, and members of the National Guard and Reserves
147 separating from an active duty tour, and their spouses.

148 C. All individuals functioning with a privilege to practice under this section remain subject
149 to the adverse actions provisions of section 8.

§16-52-8. ADVERSE ACTIONS.

150 A. A home state shall have exclusive power to impose adverse action against an
151 individual's license issued by the home state.

152 B. If an individual's license in any home state is restricted or suspended, the individual
153 shall not be eligible to practice in a remote state under the privilege to practice until the individual's
154 home state license is restored.

155 1. All home state adverse action orders shall include a statement that the individual's
156 compact privileges are inactive. The order may allow the individual to practice in remote states
157 with prior written authorization from both the home state and remote state's EMS authority.

158 2. An individual currently subject to adverse action in the home state shall not practice in
159 any remote state without prior written authorization from both the home state and remote state's
160 EMS authority.

161 C. A member state shall report adverse actions and any occurrences that the individual's
162 compact privileges are restricted, suspended, or revoked to the Commission in accordance with

163 the rules of the Commission.

164 D. A remote state may take adverse action on an individual's privilege to practice within
165 that state.

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

169 F. A home state's EMS authority shall investigate and take appropriate action with respect
170 to reported conduct in a remote state as it would if such conduct had occurred within the home
171 state. In such cases, the home state's law shall control in determining the appropriate adverse
172 action.

173 G. Nothing in this compact shall override a member state's decision that participation in
174 an alternative program may be used in lieu of adverse action and that such participation shall
175 remain nonpublic if required by the member state's laws. Member states must require individuals
176 who enter any alternative programs to agree not to practice in any other member state during the
177 term of the alternative program without prior authorization from such other member state.

§16-52-9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY.

178 A member state's EMS authority, in addition to any other powers granted under state law,
179 is authorized under this compact to:

180 1. Issue subpoenas for both hearings and investigations that require the attendance and
181 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's
182 EMS authority for the attendance and testimony of witnesses, and/or the production of evidence
183 from another member state, shall be enforced in the remote state by any court of competent
184 jurisdiction, according to that court's practice and procedure in considering subpoenas issued in
185 its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel
186 expenses, mileage, and other fees required by the service statutes of the state where the
187 witnesses and/or evidence are located; and

188 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to
189 practice in the state.

§16-52-10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL

PRACTICE.

190 A. The compact states hereby create and establish a joint public agency known as the
191 Interstate Commission for EMS Personnel Practice.

192 1. The Commission is a body politic and an instrumentality of the compact states.

193 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
194 solely and exclusively in a court of competent jurisdiction where the principal office of the
195 Commission is located. The Commission may waive venue and jurisdictional defenses to the
196 extent it adopts or consents to participate in alternative dispute resolution proceedings.

197 3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

198 B. Membership, Voting, and Meetings.

199 1. Each member state shall have and be limited to one (1) delegate. The responsible
200 official of the state EMS authority or his designee shall be the delegate to this compact for each
201 member state. Any delegate may be removed or suspended from office as provided by the law of
202 the state from which the delegate is appointed. Any vacancy occurring in the Commission shall
203 be filled in accordance with the laws of the member state in which the vacancy exists. In the event
204 that more than one board, office, or other agency with the legislative mandate to license EMS
205 personnel at and above the level of EMT exists, the Governor of the state will determine which
206 entity will be responsible for assigning the delegate.

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

212 3. The Commission shall meet at least once during each calendar year. Additional
213 meetings shall be held as set forth in the bylaws.

214 4. All meetings shall be open to the public, and public notice of meetings shall be given in
215 the same manner as required under the rulemaking provisions in section 12.

216 5. The Commission may convene in a closed, nonpublic meeting if the Commission must
217 discuss:

218 a. Noncompliance of a member state with its obligations under the compact;

219 b. The employment, compensation, discipline or other personnel matters, practices or
220 procedures related to specific employees or other matters related to the Commission's internal
221 personnel practices and procedures;

222 c. Current, threatened, or reasonably anticipated litigation;

223 d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

224 e. Accusing any person of a crime or formally censuring any person;

225 f. Disclosure of trade secrets or commercial or financial information that is privileged or
226 confidential;

227 g. Disclosure of information of a personal nature where disclosure would constitute a
228 clearly unwarranted invasion of personal privacy;

229 h. Disclosure of investigatory records compiled for law-enforcement purposes;

230 i. Disclosure of information related to any investigatory reports prepared by or on behalf
231 of or for use of the Commission or other committee charged with responsibility of investigation or
232 determination of compliance issues pursuant to the compact; or

233 j. Matters specifically exempted from disclosure by federal or member state statute.

234 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
235 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
236 reference each relevant exempting provision. The Commission shall keep minutes that fully and
237 clearly describe all matters discussed in a meeting and shall provide a full and accurate summary

238 of actions taken, and the reasons therefor, including a description of the views expressed. All
239 documents considered in connection with an action shall be identified in such minutes. All minutes
240 and documents of a closed meeting shall remain under seal, subject to release by a majority vote
241 of the Commission or order of a court of competent jurisdiction.

242 C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
243 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
244 exercise the powers of the compact, including but not limited to:

245 1. Establishing the fiscal year of the Commission;

246 2. Providing reasonable standards and procedures:

247 a. For the establishment and meetings of other committees; and

248 b. Governing any general or specific delegation of any authority or function of the
249 Commission;

250 3. Providing reasonable procedures for calling and conducting meetings of the
251 Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity
252 for attendance of such meetings by interested parties, with enumerated exceptions designed to
253 protect the public's interest, the privacy of individuals, and proprietary information, including trade
254 secrets. The Commission may meet in closed session only after a majority of the membership
255 votes to close a meeting in whole or in part. As soon as practicable, the Commission must make
256 public a copy of the vote to close the meeting revealing the vote of each member with no proxy
257 votes allowed;

258 4. Establishing the titles, duties and authority, and reasonable procedures for the election
259 of the officers of the Commission;

260 5. Providing reasonable standards and procedures for the establishment of the personnel
261 policies and programs of the Commission. Notwithstanding any civil service or other similar laws
262 of any member state, the bylaws shall exclusively govern the personnel policies and programs of
263 the Commission;

264 6. Promulgating a code of ethics to address permissible and prohibited activities of
265 Commission members and employees;

266 7. Providing a mechanism for winding up the operations of the Commission and the
267 equitable disposition of any surplus funds that may exist after the termination of the compact after
268 the payment and/or reserving of all of its debts and obligations;

269 8. Publishing its bylaws and filing a copy thereof, and a copy of any amendment thereto,
270 with the appropriate agency or officer in each of the member states, if any;

271 9. Maintaining its financial records in accordance with the bylaws; and

272 10. Meeting and taking such actions as are consistent with the provisions of this compact
273 and the bylaws.

274 D. The Commission shall have the following powers:

275 1. To promulgate uniform rules to facilitate and coordinate implementation and
276 administration of this compact. The rules shall have the force and effect of law and shall be binding
277 in all member states;

278 2. To bring and prosecute legal proceedings or actions in the name of the Commission,
279 provided that the standing of any state EMS authority or other regulatory body responsible for
280 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

281 3. To purchase and maintain insurance and bonds;

282 4. To borrow, accept, or contract for services of personnel, including, but not limited to,
283 employees of a member state;

284 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such
285 individuals appropriate authority to carry out the purposes of the compact, and to establish the
286 Commission's personnel policies and programs relating to conflicts of interest, qualifications of
287 personnel, and other related personnel matters;

288 6. To accept any and all appropriate donations and grants of money, equipment, supplies,
289 materials, and services and to receive, utilize, and dispose of the same, provided that at all times

290 the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

291 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,
292 improve, or use any property, real, personal, or mixed, provided that at all times the Commission
293 shall strive to avoid any appearance of impropriety;

294 8. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
295 any property, real, personal, or mixed;

296 9. To establish a budget and make expenditures;

297 10. To borrow money;

298 11. To appoint committees, including advisory committees composed of members, state
299 regulators, state legislators or their representatives, and consumer representatives and such
300 other interested persons as may be designated in this compact and the bylaws;

301 12. To provide and receive information from, and cooperate with, law-enforcement
302 agencies;

303 13. To adopt and use an official seal; and

304 14. To perform such other functions as may be necessary or appropriate to achieve the
305 purposes of this compact consistent with the state regulation of EMS personnel licensure and
306 practice.

307 E. Financing of the Commission.

308 1. The Commission shall pay, or provide for the payment of, the reasonable expenses of
309 its establishment, organization, and ongoing activities.

310 2. The Commission may accept any and all appropriate revenue sources, donations, and
311 grants of money, equipment, supplies, materials, and services.

312 3. The Commission may levy on and collect an annual assessment from each member
313 state or impose fees on other parties to cover the cost of the operations and activities of the
314 Commission and its staff, which must be in a total amount sufficient to cover its annual budget as
315 approved each year for which revenue is not provided by other sources. The aggregate annual

316 assessment amount shall be allocated based upon a formula to be determined by the
317 Commission, which shall promulgate a rule binding upon all member states.

318 4. The Commission shall not incur obligations of any kind prior to securing the funds
319 adequate to meet the same; nor shall the Commission pledge the credit of any of the member
320 states, except by and with the authority of the member state.

321 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
322 receipts and disbursements of the Commission shall be subject to the audit and accounting
323 procedures established under its bylaws. However, all receipts and disbursements of funds
324 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
325 and the report of the audit shall be included in and become part of the annual report of the
326 Commission.

327 F. Qualified Immunity, Defense, and Indemnification.

328 1. The members, officers, executive director, employees, and representatives of the
329 Commission shall be immune from suit and liability, either personally or in their official capacity,
330 for any claim for damage to or loss of property or personal injury or other civil liability caused by
331 or arising out of any actual or alleged act, error, or omission that occurred, or that the person
332 against whom the claim is made had a reasonable basis for believing occurred, within the scope
333 of Commission employment, duties, or responsibilities, provided that nothing in this paragraph
334 shall be construed to protect any such person from suit and/or liability for any damage, loss, injury,
335 or liability caused by the intentional or willful or wanton misconduct of that person.

336 2. The Commission shall defend any member, officer, executive director, employee, or
337 representative of the Commission in any civil action seeking to impose liability arising out of any
338 actual or alleged act, error, or omission that occurred within the scope of Commission
339 employment, duties, or responsibilities or that the person against whom the claim is made had a
340 reasonable basis for believing occurred within the scope of Commission employment, duties, or
341 responsibilities, provided that nothing herein shall be construed to prohibit that person from

342 retaining his or her own counsel, and provided further that the actual or alleged act, error, or
343 omission did not result from that person's intentional or willful or wanton misconduct.

344 3. The Commission shall indemnify and hold harmless any member, officer, executive
345 director, employee, or representative of the Commission for the amount of any settlement or
346 judgment obtained against that person arising out of any actual or alleged act, error, or omission
347 that occurred within the scope of Commission employment, duties, or responsibilities or that such
348 person had a reasonable basis for believing occurred within the scope of Commission
349 employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission
350 did not result from the intentional or willful or wanton misconduct of that person.

§16-52-11. COORDINATED DATABASE.

351 A. The Commission shall provide for the development and maintenance of a coordinated
352 database and reporting system containing licensure, adverse action, and significant investigatory
353 information on all licensed individuals in member states.

354 B. Notwithstanding any other provision of state law to the contrary, a member state shall
355 submit a uniform data set to the coordinated database on all individuals to whom this compact is
356 applicable as required by the rules of the Commission, including:

357 1. Identifying information;

358 2. Licensure data;

359 3. Significant investigatory information;

360 4. Adverse actions against an individual's license;

361 5. An indicator that an individual's privilege to practice is restricted, suspended, or revoked;

362 6. Nonconfidential information related to alternative program participation;

363 7. Any denial of application for licensure and the reason(s) for such denial; and

364 8. Other information that may facilitate the administration of this compact, as determined
365 by the rules of the Commission.

366 C. The coordinated database administrator shall promptly notify all member states of any

367 adverse action taken against, or significant investigative information on, any individual in a
368 member state.

369 D. Member states contributing information to the coordinated database may designate
370 information that may not be shared with the public without the express permission of the
371 contributing state.

372 E. Any information submitted to the coordinated database that is subsequently required to
373 be expunged by the laws of the member state contributing the information shall be removed from
374 the coordinated database.

§16-52-12. RULEMAKING.

375 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
376 in this section and the rules adopted thereunder. Rules and amendments shall become binding
377 as of the date specified in each rule or amendment.

378 B. If a majority of the Legislatures of the member states rejects a rule, by enactment of a
379 statute or resolution in the same manner used to adopt the compact, then such rule shall have no
380 further force and effect in any member state.

381 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
382 the Commission.

383 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at
384 least sixty (60) days in advance of the meeting at which the rule will be considered and voted
385 upon, the Commission shall file a Notice of Proposed Rulemaking:

386 1. On the website of the Commission; and

387 2. On the website of each member state EMS authority or the publication in which each
388 state would otherwise publish proposed rules.

389 E. The Notice of Proposed Rulemaking shall include:

390 1. The proposed time, date, and location of the meeting in which the rule will be considered
391 and voted upon;

392 2. The text of the proposed rule or amendment and the reason for the proposed rule;

393 3. A request for comments on the proposed rule from any interested person; and

394 4. The manner in which interested persons may submit notice to the Commission of their
395 intention to attend the public hearing and any written comments.

396 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit
397 written data, facts, opinions, and arguments, which shall be made available to the public.

398 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule
399 or amendment if a hearing is requested by:

400 1. At least twenty-five (25) persons;

401 2. A governmental subdivision or agency; or

402 3. An association having at least twenty-five (25) members.

403 H. If a hearing is held on the proposed rule or amendment, the Commission shall publish
404 the place, time, and date of the scheduled public hearing.

405 1. All persons wishing to be heard at the hearing shall notify the executive director of the
406 Commission or other designated member in writing of their desire to appear and testify at the
407 hearing not less than five (5) business days before the scheduled date of the hearing.

408 2. Hearings shall be conducted in a manner providing each person who wishes to
409 comment a fair and reasonable opportunity to comment orally or in writing.

410 3. No transcript of the hearing is required, unless a written request for a transcript is made,
411 in which case the person requesting the transcript shall bear the cost of producing the transcript.
412 A recording may be made in lieu of a transcript under the same terms and conditions as a
413 transcript. This subsection shall not preclude the Commission from making a transcript or
414 recording of the hearing if it so chooses.

415 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.
416 Rules may be grouped for the convenience of the Commission at hearings required by this
417 section.

418 I. Following the scheduled hearing date, or by the close of business on the scheduled
419 hearing date if the hearing was not held, the Commission shall consider all written and oral
420 comments received.

421 J. The Commission shall, by majority vote of all members, take final action on the proposed
422 rule and shall determine the effective date of the rule, if any, based on the rulemaking record and
423 the full text of the rule.

424 K. If no written notice of intent to attend the public hearing by interested parties is received,
425 the Commission may proceed with promulgation of the proposed rule without a public hearing.

426 L. Upon determination that an emergency exists, the Commission may consider and adopt
427 an emergency rule without prior notice, opportunity for comment, or hearing, provided that the
428 usual rulemaking procedures provided in the compact and in this section shall be retroactively
429 applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after
430 the effective date of the rule. For the purposes of this provision, an emergency rule is one that
431 must be adopted immediately in order to:

432 1. Meet an imminent threat to public health, safety, or welfare;

433 2. Prevent a loss of Commission or member state funds;

434 3. Meet a deadline for the promulgation of an administrative rule that is established by
435 federal law or rule; or

436 4. Protect public health and safety.

437 M. The Commission or an authorized committee of the Commission may direct revisions
438 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors
439 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
440 posted on the website of the Commission. The revision shall be subject to challenge by any
441 person for a period of thirty (30) days after posting. The revision may be challenged only on
442 grounds that the revision results in a material change to a rule. A challenge shall be made in
443 writing and delivered to the chair of the Commission prior to the end of the notice period. If no

444 challenge is made, the revision will take effect without further action. If the revision is challenged,
445 the revision may not take effect without the approval of the Commission.

§16-52-13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT.

446 A. Oversight.

447 1. The executive, legislative, and judicial branches of state government in each member
448 state shall enforce this compact and take all actions necessary and appropriate to effectuate the
449 compact's purposes and intent. The provisions of this compact and the rules promulgated
450 hereunder shall have standing as statutory law.

451 2. All courts shall take judicial notice of the compact and the rules in any judicial or
452 administrative proceeding in a member state pertaining to the subject matter of this compact
453 which may affect the powers, responsibilities, or actions of the Commission.

454 3. The Commission shall be entitled to receive service of process in any such proceeding
455 and shall have standing to intervene in such a proceeding for all purposes. Failure to provide
456 service of process to the Commission shall render a judgment or order void as to the Commission,
457 this compact, or promulgated rules.

458 B. Default, Technical Assistance, and Termination.

459 1. If the Commission determines that a member state has defaulted in the performance of
460 its obligations or responsibilities under this compact or the promulgated rules, the Commission
461 shall:

462 a. Provide written notice to the defaulting state and other member states of the nature of
463 the default, the proposed means of curing the default, and/or any other action to be taken by the
464 Commission; and

465 b. Provide remedial training and specific technical assistance regarding the default.

466 2. If a state in default fails to cure the default, the defaulting state may be terminated from
467 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges,
468 and benefits conferred by this compact may be terminated on the effective date of termination. A

469 cure of the default does not relieve the offending state of obligations or liabilities incurred during
470 the period of default.

471 3. Termination of membership in the compact shall be imposed only after all other means
472 of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be
473 given by the Commission to the Governor, the majority and minority leaders of the defaulting
474 state's Legislature, and each of the member states.

475 4. A state that has been terminated from the compact is responsible for all assessments,
476 obligations, and liabilities incurred through the effective date of termination, including obligations
477 that extend beyond the effective date of termination.

478 5. The Commission shall not bear any costs related to a state that is found to be in default
479 or that has been terminated from the compact, unless agreed upon in writing between the
480 Commission and the defaulting state.

481 6. The defaulting state may appeal the action of the Commission by petitioning the U.S.
482 District Court for the District of Columbia or the federal district where the Commission has its
483 principal offices. The prevailing member shall be awarded all costs of such litigation, including
484 reasonable attorney fees.

485 C. Dispute Resolution.

486 1. Upon request by a member state, the Commission shall attempt to resolve disputes
487 related to the compact that arise among member states and between member and nonmember
488 states.

489 2. The Commission shall promulgate a rule providing for both mediation and binding
490 dispute resolution for disputes as appropriate.

491 D. Enforcement.

492 1. The Commission, in the reasonable exercise of its discretion, shall enforce the
493 provisions and rules of this compact.

494 2. By majority vote, the Commission may initiate legal action in the United States District

495 Court for the District of Columbia or the federal district where the Commission has its principal
496 offices against a member state in default to enforce compliance with the provisions of the compact
497 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and
498 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded
499 all costs of such litigation, including reasonable attorney fees.

500 3. The remedies herein shall not be the exclusive remedies of the Commission. The
501 Commission may pursue any other remedies available under federal or state law.

§16-52-14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND
AMENDMENT.

502 A. The compact shall come into effect on the date on which the compact statute is enacted
503 into law in the tenth member state. The provisions, which become effective at that time, shall be
504 limited to the powers granted to the Commission relating to assembly and the promulgation of
505 rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the
506 implementation and administration of the compact.

507 B. Any state that joins the compact subsequent to the Commission's initial adoption of the
508 rules shall be subject to the rules as they exist on the date on which the compact becomes law in
509 that state. Any rule that has been previously adopted by the Commission shall have the full force
510 and effect of law on the day the compact becomes law in that state.

511 C. Any member state may withdraw from this compact by enacting a statute repealing the
512 same.

513 1. A member state's withdrawal shall not take effect until six (6) months after enactment
514 of the repealing statute.

515 2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS
516 authority to comply with the investigative and adverse action reporting requirements of this act
517 prior to the effective date of withdrawal.

518 D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS
519 personnel licensure agreement or other cooperative arrangement between a member state and
520 a nonmember state that does not conflict with the provisions of this compact.

521 E. This compact may be amended by the member states. No amendment to this compact
522 shall become effective and binding upon any member state until it is enacted into the laws of all
523 member states.

§16-52-15. CONSTRUCTION AND SEVERABILITY.

524 1. This compact shall be liberally construed so as to effectuate the purposes thereof. If
525 this compact shall be held contrary to the Constitution of any member state thereto, the compact
526 shall remain in full force and effect as to the remaining member states. Nothing in this compact
527 supersedes state law or rules related to licensure of EMS agencies.

528 2. That the provisions of this act shall expire on July 1, 2021, if the Recognition of EMS
529 Personnel Licensure Interstate Compact has not become effective as a result of enactment of the
530 compact into law by at least 10 member states by that date.

531 3. That the Emergency Medical Services Advisory Board shall review decisions of the
532 Interstate Commission for Emergency Medical Services Personnel Practice established pursuant
533 to this compact and, upon approval by the Interstate Commission for Emergency Medical Services
534 Personnel Practice of any action that will have the result of increasing the cost to the state of
535 membership in the compact, may recommend to the Legislature that the state withdraw from the
536 compact.

NOTE: The purpose of this bill is to enact the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact. The bill enters the state into the compact with all jurisdictions that also enact the compact.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.