

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 514

BY SENATORS SYPOLT, STOLLINGS, AND BOSO

[Introduced February 9, 2018; Referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-54-1, 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:

**ARTICLE 54. RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE
 COMPACT.**

**§16-54-1 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.

28 SECTION 2. DEFINITIONS

29 In this compact:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

68 P. "Scope of practice" means defined parameters of various duties or services that may

69 be provided by an individual with specific credentials. Whether regulated by rule, statute, or court
70 decision, it tends to represent the limits of services an individual may perform.

71 Q. "Significant investigatory information" means:

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

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

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

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

82 SECTION 3. HOME STATE LICENSURE

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

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

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

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

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

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

95 4. No later than five years after activation of the compact, requires a criminal background
96 check of all applicants for initial licensure, including the use of the results of fingerprint or other
97 biometric data checks compliant with the requirements of the Federal Bureau of Investigation with
98 the exception of federal employees who have suitability determination in accordance with 5 C.F.R.
99 §731.202 and submit documentation of such as promulgated in the rules of the Commission; and

100 5. Complies with the rules of the Commission.

101 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

106 1. Be at least 18 years of age;

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

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

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

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

120 E. If an individual's license in any home state is restricted or suspended, the individual

121 shall not be eligible to practice in a remote state under the privilege to practice until the individual's
122 home state license is restored.

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

126 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

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

139 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

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

145 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY 146 MILITARY, AND THEIR SPOUSES

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

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

155 C. All individuals functioning with a privilege to practice under this Section remain subject
156 to the adverse actions provisions of Section 8.

157 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

173 that state.

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

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

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

186 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

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

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

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

199 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS
200 PERSONNEL PRACTICE

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

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

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

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

209 B. Membership, Voting, and Meetings.

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

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

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

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

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

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

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

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

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

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

236 f. Disclosure of trade secrets or commercial or financial information that is privileged or
237 confidential;

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

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

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

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

245 6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
246 Commission's legal counsel or designee shall certify that the meeting may be closed and shall
247 reference each relevant exempting provision. The Commission shall keep minutes that fully and
248 clearly describe all matters discussed in a meeting and shall provide a full and accurate summary
249 of actions taken, and the reasons therefor, including a description of the views expressed. All
250 documents considered in connection with an action shall be identified in such minutes. All minutes

251 and documents of a closed meeting shall remain under seal, subject to release by a majority vote
252 of the Commission or order of a court of competent jurisdiction.

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

256 1. Establishing the fiscal year of the Commission;

257 2. Providing reasonable standards and procedures:

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

259 b. Governing any general or specific delegation of any authority or function of the
260 Commission;

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

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

271 5. Providing reasonable standards and procedures for the establishment of the personnel
272 policies and programs of the Commission. Notwithstanding any civil service or other similar laws
273 of any member state, the bylaws shall exclusively govern the personnel policies and programs of
274 the Commission;

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

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

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

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

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

285 D. The Commission shall have the following powers:

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

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

292 3. To purchase and maintain insurance and bonds;

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

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

299 6. To accept any and all appropriate donations and grants of money, equipment, supplies,
300 materials, and services and to receive, utilize, and dispose of the same, provided that at all times
301 the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

302 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold,

303 improve, or use any property, real, personal, or mixed, provided that at all times the Commission
304 shall strive to avoid any appearance of impropriety;

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

307 9. To establish a budget and make expenditures;

308 10. To borrow money;

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

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

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

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

318 E. Financing of the Commission.

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

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

323 3. The Commission may levy on and collect an annual assessment from each member
324 state or impose fees on other parties to cover the cost of the operations and activities of the
325 Commission and its staff, which must be in a total amount sufficient to cover its annual budget as
326 approved each year for which revenue is not provided by other sources. The aggregate annual
327 assessment amount shall be allocated based upon a formula to be determined by the
328 Commission, which shall promulgate a rule binding upon all member states.

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

332 5. The Commission shall keep accurate accounts of all receipts and disbursements. The
333 receipts and disbursements of the Commission shall be subject to the audit and accounting
334 procedures established under its bylaws. However, all receipts and disbursements of funds
335 handled by the Commission shall be audited yearly by a certified or licensed public accountant,
336 and the report of the audit shall be included in and become part of the annual report of the
337 Commission.

338 F. Qualified Immunity, Defense, and Indemnification.

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

347 2. The Commission shall defend any member, officer, executive director, employee, or
348 representative of the Commission in any civil action seeking to impose liability arising out of any
349 actual or alleged act, error, or omission that occurred within the scope of Commission
350 employment, duties, or responsibilities or that the person against whom the claim is made had a
351 reasonable basis for believing occurred within the scope of Commission employment, duties, or
352 responsibilities, provided that nothing herein shall be construed to prohibit that person from
353 retaining his or her own counsel, and provided further that the actual or alleged act, error, or
354 omission did not result from that person's intentional or willful or wanton misconduct.

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

362 SECTION 11. COORDINATED DATABASE

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

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

369 1. Identifying information;

370 2. Licensure data;

371 3. Significant investigatory information;

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

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

374 6. Nonconfidential information related to alternative program participation;

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

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

378 C. The coordinated database administrator shall promptly notify all member states of any
379 adverse action taken against, or significant investigative information on, any individual in a
380 member state.

381 D. Member states contributing information to the coordinated database may designate
382 information that may not be shared with the public without the express permission of the
383 contributing state.

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

387 SECTION 12. RULEMAKING

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

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

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

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

399 1. On the website of the Commission; and

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

402 E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

414 2. A governmental subdivision or agency; or

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

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

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

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

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

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

431 I. Following the scheduled hearing date, or by the close of business on the scheduled
432 hearing date if the hearing was not held, the Commission shall consider all written and oral

433 comments received.

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

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

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

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

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

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

449 4. Protect public health and safety.

450 M. The Commission or an authorized committee of the Commission may direct revisions
451 to a previously adopted rule or amendment for purposes of correcting typographical errors, errors
452 in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be
453 posted on the website of the Commission. The revision shall be subject to challenge by any
454 person for a period of thirty (30) days after posting. The revision may be challenged only on
455 grounds that the revision results in a material change to a rule. A challenge shall be made in
456 writing and delivered to the chair of the Commission prior to the end of the notice period. If no
457 challenge is made, the revision will take effect without further action. If the revision is challenged,
458 the revision may not take effect without the approval of the Commission.

459 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

460 A. Oversight.

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

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

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

472 B. Default, Technical Assistance, and Termination.

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

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

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

480 2. If a state in default fails to cure the default, the defaulting state may be terminated from
481 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges,
482 and benefits conferred by this compact may be terminated on the effective date of termination. A
483 cure of the default does not relieve the offending state of obligations or liabilities incurred during
484 the period of default.

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

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

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

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

499 C. Dispute Resolution.

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

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

505 D. Enforcement.

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

508 2. By majority vote, the Commission may initiate legal action in the United States District
509 Court for the District of Columbia or the federal district where the Commission has its principal
510 offices against a member state in default to enforce compliance with the provisions of the compact

511 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and
512 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded
513 all costs of such litigation, including reasonable attorney fees.

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

516 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
517 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

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

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

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

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

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

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

540 SECTION 15. CONSTRUCTION AND SEVERABILITY

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

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

548 3. That the Emergency Medical Services Advisory Board shall review decisions of the
549 Interstate Commission for Emergency Medical Services Personnel Practice established pursuant
550 to this compact and, upon approval by the Interstate Commission for Emergency Medical Services
551 Personnel Practice of any action that will have the result of increasing the cost to the state of
552 membership in the compact, may recommend to the Legislature that the state withdraw from the
553 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.