



## 2021 South Dakota Legislature

# House Bill 1065

SENATE HEALTH AND HUMAN SERVICES ENGROSSED

Introduced by: **Representative Milstead**

1 **An Act to adopt the emergency medical personnel licensure interstate compact.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **34-11C-1. Emergency medical personnel--Licensure--Interstate compact.**

5 The Emergency Medical Personnel Licensure Interstate Compact is enacted into law  
 6 and entered into with all other jurisdictions that legally join the compact, which is  
 7 substantially as follows:

8 SECTION I. PURPOSE

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

- 20 1. Increase public access to EMS personnel;  
 21 2. Enhance the states' ability to protect the public's health and safety, especially  
 22 patient safety;  
 23 3. Encourage the cooperation of member states in the areas of EMS personnel  
 24 licensure and regulation;  
 25 4. Support licensing of military members, and their spouses, who are separating from  
 26 an active duty tour;

- 1 5. Facilitate the exchange of information between member states regarding EMS  
2 personnel licensure, adverse action and significant investigatory information;  
3 6. Promote compliance with the laws governing EMS personnel practice in each  
4 member state; and  
5 7. Invest all member states with the authority to hold EMS personnel accountable  
6 through the mutual recognition of member state licenses.

## 7 SECTION 2. DEFINITIONS

8 In this compact:

- 9 A. "Advanced Emergency Medical Technician (AEMT)" means: an individual licensed  
10 with cognitive knowledge and a scope of practice that corresponds to that level in  
11 the National EMS Education Standards and National EMS Scope of Practice Model.  
12 B. "Adverse Action" means: any administrative, civil, equitable or criminal action  
13 permitted by a state's laws which may be imposed against licensed EMS personnel  
14 by a state EMS authority or state court, including, but not limited to, actions against  
15 an individual's license such as revocation, suspension, probation, consent  
16 agreement, monitoring or other limitation or encumbrance on the individual's  
17 practice, letters of reprimand or admonition, fines, criminal convictions and state  
18 court judgments enforcing adverse actions by the state EMS authority.  
19 C. "Alternative program" means: a voluntary, non-disciplinary substance abuse  
20 recovery program approved by a state EMS authority.  
21 D. "Certification" means: the successful verification of entry-level cognitive and  
22 psychomotor competency using a reliable, validated, and legally defensible  
23 examination.  
24 E. "Commission" means: the national administrative body of which all states that have  
25 enacted the compact are members.  
26 F. "Emergency Medical Technician (EMT)" means: an individual licensed with cognitive  
27 knowledge and a scope of practice that corresponds to that level in the National  
28 EMS Education Standards and National EMS Scope of Practice Model.  
29 G. "Home State" means: a member state where an individual is licensed to practice  
30 emergency medical services.  
31 H. "License" means: the authorization by a state for an individual to practice as an  
32 EMT, AEMT, paramedic, or a level in between EMT and paramedic.  
33 I. "Medical Director" means: a physician licensed in a member state who is  
34 accountable for the care delivered by EMS personnel.  
35 J. "Member State" means: a state that has enacted this compact.

1 K. "Privilege to Practice" means: an individual's authority to deliver emergency  
2 medical services in remote states as authorized under this compact.

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

6 M. "Remote State" means: a member state in which an individual is not licensed.

7 N. "Restricted" means: the outcome of an adverse action that limits a license or the  
8 privilege to practice.

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

15 P. "Scope of Practice" means: defined parameters of various duties or services that  
16 may be provided by an individual with specific credentials. Whether regulated by  
17 rule, statute, or court decision, it tends to represent the limits of services an  
18 individual may perform.

19 Q. "Significant Investigatory Information" means:

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

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

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

28 S. "State EMS Authority" means: the board, office, or other agency with the legislative  
29 mandate to license EMS personnel.

### 30 SECTION 3. HOME STATE LICENSURE

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

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

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

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

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

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

11 4. No later than five years after activation of the Compact, requires a criminal  
12 background check of all applicants for initial licensure, including the use of  
13 the results of fingerprint or other biometric data checks compliant with the  
14 requirements of the Federal Bureau of Investigation with the exception of  
15 federal employees who have suitability determination in accordance with  
16 US CFR §731.202 and submit documentation of such as promulgated in the  
17 rules of the Commission; and

18 5. Complies with the rules of the Commission.

19 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

24 1. Be at least 18 years of age;

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

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

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

33 D. Except as provided in Section 4 subsection C, an individual practicing in a remote  
34 state will be subject to the remote state's authority and laws. A remote state may,  
35 in accordance with due process and that state's laws, restrict, suspend, or revoke

1           an individual's privilege to practice in the remote state and may take any other  
2           necessary actions to protect the health and safety of its citizens. If a remote state  
3           takes action it shall promptly notify the home state and the Commission.

4        E. If an individual's license in any home state is restricted or suspended, the individual  
5           shall not be eligible 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 state is restricted, suspended,  
8           or revoked the individual shall not be eligible to practice in any remote state until  
9           the individual's privilege to practice is restored.

#### 10                   SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

23           5. Other conditions as determined by rules promulgated by the commission.

#### 24                   SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

25           Upon a member state's governor's declaration of a state of emergency or disaster  
26           that activates the Emergency Management Assistance Compact (EMAC), all relevant terms  
27           and provisions of EMAC shall apply and to the extent any terms or provisions of this  
28           Compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any  
29           individual practicing in the remote state in response to such declaration.

#### 30                   SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY 31                   MILITARY, AND THEIR SPOUSES

32        A. Member states shall consider a veteran, active military service member, and  
33           member of the National Guard and Reserves separating from an active duty tour,  
34           and a spouse thereof, who holds a current valid and unrestricted NREMT

1 certification at or above the level of the state license being sought as satisfying the  
2 minimum training and examination requirements for such licensure.

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

6 C. All individuals functioning with a privilege to practice under this Section remain  
7 subject to the Adverse Actions provisions of Section 8.

#### 8 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

33 G. Nothing in this Compact shall override a member state's decision that participation  
34 in an alternative program may be used in lieu of adverse action and that such  
35 participation shall remain non-public if required by the member state's laws.

1 Member states must require individuals who enter any alternative programs to  
2 agree not to practice in any other member state during the term of the alternative  
3 program without prior authorization from such other member state.

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

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

- 7 1. Issue subpoenas for both hearings and investigations that require the  
8 attendance and testimony of witnesses and the production of evidence.  
9 Subpoenas issued by a member state's EMS authority for the attendance  
10 and testimony of witnesses, and/or the production of evidence from another  
11 member state, shall be enforced in the remote state by any court of  
12 competent jurisdiction, according to that court's practice and procedure in  
13 considering subpoenas issued in its own proceedings. The issuing state EMS  
14 authority shall pay any witness fees, travel expenses, mileage, and other  
15 fees required by the service statutes of the state where the witnesses  
16 and/or evidence are located; and
- 17 2. Issue cease and desist orders to restrict, suspend, or revoke an individual's  
18 privilege to practice in the state.

19 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL  
20 PRACTICE

21 A. The Compact states hereby create and establish a joint public agency known as  
22 the Interstate Commission for EMS Personnel Practice.

- 23 1. The Commission is a body politic and an instrumentality of the Compact  
24 states.
- 25 2. Venue is proper and judicial proceedings by or against the Commission shall  
26 be brought solely and exclusively in a court of competent jurisdiction where  
27 the principal office of the Commission is located. The Commission may  
28 waive venue and jurisdictional defenses to the extent it adopts or consents  
29 to participate in alternative dispute resolution proceedings.
- 30 3. Nothing in this Compact shall be construed to be a waiver of sovereign  
31 immunity.

32 B. Membership, Voting, and Meetings

- 33 1. Each member state shall have and be limited to one (1) delegate. The  
34 responsible official of the state EMS authority or his designee shall be the  
35 delegate to this Compact for each member state. Any delegate may be

1 removed or suspended from office as provided by the law of the state from  
2 which the delegate is appointed. Any vacancy occurring in the Commission  
3 shall be filled in accordance with the laws of the member state in which the  
4 vacancy exists. In the event that more than one board, office, or other  
5 agency with the legislative mandate to license EMS personnel at and above  
6 the level of EMT exists, the Governor of the state will determine which entity  
7 will be responsible for assigning the delegate.

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

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

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

19 5. The Commission may convene in a closed, non-public meeting if the  
20 Commission must discuss:

21 a. Non-compliance of a member state with its obligations under the  
22 Compact;

23 b. The employment, compensation, discipline or other personnel  
24 matters, practices or procedures related to specific employees or  
25 other matters related to the Commission's internal personnel  
26 practices and procedures;

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

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

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

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

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



- 1                    h. Disclosure of investigatory records compiled for law enforcement  
2                    purposes;
- 3                    i. Disclosure of information related to any investigatory reports  
4                    prepared by or on behalf of or for use of the Commission or other  
5                    committee charged with responsibility of investigation or  
6                    determination of compliance issues pursuant to the compact; or
- 7                    j. Matters specifically exempted from disclosure by federal or member  
8                    state statute.
- 9                    6. If a meeting, or portion of a meeting, is closed pursuant to this provision,  
10                   the Commission's legal counsel or designee shall certify that the meeting  
11                   may be closed and shall reference each relevant exempting provision. The  
12                   Commission shall keep minutes that fully and clearly describe all matters  
13                   discussed in a meeting and shall provide a full and accurate summary of  
14                   actions taken, and the reasons therefore, including a description of the  
15                   views expressed. All documents considered in connection with an action  
16                   shall be identified in such minutes. All minutes and documents of a closed  
17                   meeting shall remain under seal, subject to release by a majority vote of  
18                   the Commission or order of a court of competent jurisdiction.
- 19                   C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or  
20                   rules to govern its conduct as may be necessary or appropriate to carry out the  
21                   purposes and exercise the powers of the compact, including but not limited to:
- 22                   1. Establishing the fiscal year of the Commission;
- 23                   2. Providing reasonable standards and procedures:
- 24                   a. For the establishment and meetings of other committees; and
- 25                   b. Governing any general or specific delegation of any authority or  
26                   function of the Commission;
- 27                   3. Providing reasonable procedures for calling and conducting meetings of the  
28                   Commission, ensuring reasonable advance notice of all meetings, and  
29                   providing an opportunity for attendance of such meetings by interested  
30                   parties, with enumerated exceptions designed to protect the public's  
31                   interest, the privacy of individuals, and proprietary information, including  
32                   trade secrets. The Commission may meet in closed session only after a  
33                   majority of the membership votes to close a meeting in whole or in part. As  
34                   soon as practicable, the Commission must make public a copy of the vote

- 1                    to close the meeting revealing the vote of each member with no proxy votes  
2                    allowed;
- 3                    4. Establishing the titles, duties and authority, and reasonable procedures for  
4                    the election of the officers of the Commission;
- 5                    5. Providing reasonable standards and procedures for the establishment of the  
6                    personnel policies and programs of the Commission. Notwithstanding any  
7                    civil service or other similar laws of any member state, the bylaws shall  
8                    exclusively govern the personnel policies and programs of the Commission;
- 9                    6. Promulgating a code of ethics to address permissible and prohibited  
10                   activities of Commission members and employees;
- 11                   7. Providing a mechanism for winding up the operations of the Commission  
12                   and the equitable disposition of any surplus funds that may exist after the  
13                   termination of the Compact after the payment and/or reserving of all of its  
14                   debts and obligations;
- 15                   8. The Commission shall publish its bylaws and file a copy thereof, and a copy  
16                   of any amendment thereto, with the appropriate agency or officer in each  
17                   of the member states, if any;
- 18                   9. The Commission shall maintain its financial records in accordance with the  
19                   bylaws;
- 20                   10. The Commission shall meet and take such actions as are consistent with the  
21                   provisions of this Compact and the bylaws.
- 22                   D. The Commission shall have the following powers:
- 23                   1. The authority to promulgate uniform rules to facilitate and coordinate  
24                   implementation and administration of this Compact. The rules shall have  
25                   the force and effect of law and shall be binding in all member states;
- 26                   2. To bring and prosecute legal proceedings or actions in the name of the  
27                   Commission, provided that the standing of any state EMS authority or other  
28                   regulatory body responsible for EMS personnel licensure to sue or be sued  
29                   under applicable law shall not be affected;
- 30                   3. To purchase and maintain insurance and bonds;
- 31                   4. To borrow, accept, or contract for services of personnel, including, but not  
32                   limited to, employees of a member state;
- 33                   5. To hire employees, elect or appoint officers, fix compensation, define duties,  
34                   grant such individuals appropriate authority to carry out the purposes of the  
35                   compact, and to establish the Commission's personnel policies and

- 1 programs relating to conflicts of interest, qualifications of personnel, and  
2 other related personnel matters;
- 3 6. To accept any and all appropriate donations and grants of money,  
4 equipment, supplies, materials and services, and to receive, utilize and  
5 dispose of the same; provided that at all times the Commission shall strive  
6 to avoid any appearance of impropriety and/or conflict of interest;
- 7 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise  
8 to own, hold, improve or use, any property, real, personal or mixed;  
9 provided that at all times the Commission shall strive to avoid any  
10 appearance of impropriety;
- 11 8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
12 dispose of any property real, personal, or mixed;
- 13 9. To establish a budget and make expenditures;
- 14 10. To borrow money;
- 15 11. To appoint committees, including advisory committees comprised of  
16 members, state regulators, state legislators or their representatives, and  
17 consumer representatives, and such other interested persons as may be  
18 designated in this compact and the bylaws;
- 19 12. To provide and receive information from, and to cooperate with, law  
20 enforcement agencies;
- 21 13. To adopt and use an official seal; and
- 22 14. To perform such other functions as may be necessary or appropriate to  
23 achieve the purposes of this Compact consistent with the state regulation  
24 of EMS personnel licensure and practice.

25 E. Financing of the Commission

- 26 1. The Commission shall pay, or provide for the payment of, the reasonable  
27 expenses of its establishment, organization, and ongoing activities.
- 28 2. The Commission may accept any and all appropriate revenue sources,  
29 donations, and grants of money, equipment, supplies, materials, and  
30 services.
- 31 3. The Commission may levy on and collect an annual assessment from each  
32 member state or impose fees on other parties to cover the cost of the  
33 operations and activities of the Commission and its staff, which must be in  
34 a total amount sufficient to cover its annual budget as approved each year  
35 for which revenue is not provided by other sources. The aggregate annual

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

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

8 5. The Commission shall keep accurate accounts of all receipts and  
9 disbursements. The receipts and disbursements of the Commission shall be  
10 subject to the audit and accounting procedures established under its  
11 bylaws. However, all receipts and disbursements of funds handled by the  
12 Commission shall be audited yearly by a certified or licensed public  
13 accountant, and the report of the audit shall be included in and become part  
14 of the annual report of the Commission.

15 F. Qualified Immunity, Defense, and Indemnification

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

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

1           3. The Commission shall indemnify and hold harmless any member, officer,  
2           executive director, employee, or representative of the Commission for the  
3           amount of any settlement or judgment obtained against that person arising  
4           out of any actual or alleged act, error or omission that occurred within the  
5           scope of Commission employment, duties, or responsibilities, or that such  
6           person had a reasonable basis for believing occurred within the scope of  
7           Commission employment, duties, or responsibilities, provided that the  
8           actual or alleged act, error, or omission did not result from the intentional  
9           or willful or wanton misconduct of that person.

10                                 SECTION 11. COORDINATED DATABASE

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

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

19                         1. Identifying information;

20                         2. Licensure data;

21                         3. Significant investigatory information;

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

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

25                         6. Non-confidential information related to alternative program participation;

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

27                                 and

28                         8. Other information that may facilitate the administration of this Compact, as  
29                         determined by the rules of the Commission.

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

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

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

4 SECTION 12. RULEMAKING

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

8 B. If a majority of the legislatures of the member states rejects a rule, by enactment  
9 of a statute or resolution in the same manner used to adopt the Compact, then  
10 such rule shall have no further force and effect in any member state.

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

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

17 1. On the website of the Commission; and

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

20 E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

- 1           2. A governmental subdivision or agency; or  
2           3. An association having at least twenty-five (25) members.
- 3       H. If a hearing is held on the proposed rule or amendment, the Commission shall  
4       publish the place, time, and date of the scheduled public hearing.
- 5           1. All persons wishing to be heard at the hearing shall notify the executive  
6           director of the Commission or other designated member in writing of their  
7           desire to appear and testify at the hearing not less than five (5) business  
8           days before the scheduled date of the hearing.
- 9           2. Hearings shall be conducted in a manner providing each person who wishes  
10          to comment a fair and reasonable opportunity to comment orally or in  
11          writing.
- 12          3. No transcript of the hearing is required, unless a written request for a  
13          transcript is made, in which case the person requesting the transcript shall  
14          bear the cost of producing the transcript. A recording may be made in lieu  
15          of a transcript under the same terms and conditions as a transcript. This  
16          subsection shall not preclude the Commission from making a transcript or  
17          recording of the hearing if it so chooses.
- 18          4. Nothing in this section shall be construed as requiring a separate hearing  
19          on each rule. Rules may be grouped for the convenience of the Commission  
20          at hearings required by this section.
- 21       I. Following the scheduled hearing date, or by the close of business on the scheduled  
22       hearing date if the hearing was not held, the Commission shall consider all written  
23       and oral comments received.
- 24       J. The Commission shall, by majority vote of all members, take final action on the  
25       proposed rule and shall determine the effective date of the rule, if any, based on  
26       the rulemaking record and the full text of the rule.
- 27       K. If no written notice of intent to attend the public hearing by interested parties is  
28       received, the Commission may proceed with promulgation of the proposed rule  
29       without a public hearing.
- 30       L. Upon determination that an emergency exists, the Commission may consider and  
31       adopt an emergency rule without prior notice, opportunity for comment, or  
32       hearing, provided that the usual rulemaking procedures provided in the Compact  
33       and in this section shall be retroactively applied to the rule as soon as reasonably  
34       possible, in no event later than ninety (90) days after the effective date of the rule.

1 For the purposes of this provision, an emergency rule is one that must be adopted  
2 immediately in order to:

- 3 1. Meet an imminent threat to public health, safety, or welfare;
- 4 2. Prevent a loss of Commission or member state funds;
- 5 3. Meet a deadline for the promulgation of an administrative rule that is  
6 established by federal law or rule; or
- 7 4. Protect public health and safety.

8 M. The Commission or an authorized committee of the Commission may direct  
9 revisions to a previously adopted rule or amendment for purposes of correcting  
10 typographical errors, errors in format, errors in consistency, or grammatical errors.  
11 Public notice of any revisions shall be posted on the website of the Commission.  
12 The revision shall be subject to challenge by any person for a period of thirty (30)  
13 days after posting. The revision may be challenged only on grounds that the  
14 revision results in a material change to a rule. A challenge shall be made in writing  
15 and delivered to the chair of the Commission prior to the end of the notice period.  
16 If no challenge is made, the revision will take effect without further action. If the  
17 revision is challenged, the revision may not take effect without the approval of the  
18 Commission.

### 19 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### 20 A. Oversight

- 21 1. The executive, legislative, and judicial branches of state government in each  
22 member state shall enforce this compact and take all actions necessary and  
23 appropriate to effectuate the compact's purposes and intent. The provisions  
24 of this compact and the rules promulgated hereunder shall have standing  
25 as statutory law.
- 26 2. All courts shall take judicial notice of the compact and the rules in any  
27 judicial or administrative proceeding in a member state pertaining to the  
28 subject matter of this compact which may affect the powers, responsibilities  
29 or actions of the Commission.
- 30 3. The Commission shall be entitled to receive service of process in any such  
31 proceeding and shall have standing to intervene in such a proceeding for all  
32 purposes. Failure to provide service of process to the Commission shall  
33 render a judgment or order void as to the Commission, this Compact, or  
34 promulgated rules.

#### 35 B. Default, Technical Assistance, and Termination



- 1           1. If the Commission determines that a member state has defaulted in the  
2           performance of its obligations or responsibilities under this compact or the  
3           promulgated rules, the Commission shall:
- 4           a. Provide written notice to the defaulting state and other member  
5           states of the nature of the default, the proposed means of curing the  
6           default and/or any other action to be taken by the Commission; and  
7           b. Provide remedial training and specific technical assistance regarding  
8           the default.
- 9           2. If a state in default fails to cure the default, the defaulting state may be  
10           terminated from the Compact upon an affirmative vote of a majority of the  
11           member states, and all rights, privileges and benefits conferred by this  
12           compact may be terminated on the effective date of termination. A cure of  
13           the default does not relieve the offending state of obligations or liabilities  
14           incurred during the period of default.
- 15           3. Termination of membership in the compact shall be imposed only after all  
16           other means of securing compliance have been exhausted. Notice of intent  
17           to suspend or terminate shall be given by the Commission to the governor,  
18           the majority and minority leaders of the defaulting state's legislature, and  
19           each of the member states.
- 20           4. A state that has been terminated is responsible for all assessments,  
21           obligations, and liabilities incurred through the effective date of termination,  
22           including obligations that extend beyond the effective date of termination.
- 23           5. The Commission shall not bear any costs related to a state that is found to  
24           be in default or that has been terminated from the compact, unless agreed  
25           upon in writing between the Commission and the defaulting state.
- 26           6. The defaulting state may appeal the action of the Commission by petitioning  
27           the U.S. District Court for the District of Columbia or the federal district  
28           where the Commission has its principal offices. The prevailing member shall  
29           be awarded all costs of such litigation, including reasonable attorney's fees.
- 30           C. Dispute Resolution
- 31           1. Upon request by a member state, the Commission shall attempt to resolve  
32           disputes related to the compact that arise among member states and  
33           between member and non-member states.
- 34           2. The Commission shall promulgate a rule providing for both mediation and  
35           binding dispute resolution for disputes as appropriate.

1 D. Enforcement

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

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

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

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

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

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

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

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

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

1 D. Nothing contained in this compact shall be construed to invalidate or prevent any  
2 EMS personnel licensure agreement or other cooperative arrangement between a  
3 member state and a non-member state that does not conflict with the provisions  
4 of this compact.

5 E. This Compact may be amended by the member states. No amendment to this  
6 Compact shall become effective and binding upon any member state until it is  
7 enacted into the laws of all member states.

8 SECTION 15. CONSTRUCTION AND SEVERABILITY

9 This Compact shall be liberally construed so as to effectuate the purposes thereof.  
10 If this compact shall be held contrary to the constitution of any state member thereto, the  
11 compact shall remain in full force and effect as to the remaining member states. Nothing  
12 in this compact supersedes state law or rules related to licensure of EMS agencies.