

1 HB250
2 182133-1
3 By Representative Sells
4 RFD: State Government
5 First Read: 16-FEB-17

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8 SYNOPSIS: This bill would establish the Emergency
9 Medical Services Personnel Licensure Interstate
10 Compact.

11 This bill would provide reciprocity among
12 member states on matters relating to discipline and
13 conditions of practice of EMS personnel.

14 This bill would make this state a member of
15 the Interstate Commission for EMS Personnel
16 Practice.

17 This bill would also allow EMS personnel
18 from compact states to practice in Alabama in
19 limited circumstances without a state license.

20
21 A BILL

22 TO BE ENTITLED

23 AN ACT

24
25 Relating to emergency medical services personnel; to
26 amend Section 22-18-6, Code of Alabama 1975; to add a new
27 Article 4, commencing with Section 22-18-50, to Chapter 18 of

1 Title 22 of the Code of Alabama 1975; to establish the
2 Emergency Medical Services Personnel Licensure Interstate
3 Compact; to provide reciprocity among member states on matters
4 relating to discipline and conditions of practice of EMS
5 personnel; to make this state a member of the Interstate
6 Commission for EMS Personnel Practice; and to allow EMS
7 personnel from compact states to practice in Alabama in
8 limited circumstances without a state license.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 22-18-6, Code of Alabama 1975, is
11 amended to read as follows:

12 "§22-18-6.

13 "(a) It shall be a Class A misdemeanor for any
14 person, firm, company, corporation, organization, facility, or
15 agency to do any of the following:

16 "(1) Deliberately hinder, obstruct, or interfere
17 with an officer, inspector, or duly authorized agent of the
18 board while in the performance of official duties.

19 "(2) Deliberately hinder, obstruct, or interfere
20 with any physician, licensed nurse, licensed EMSP, or
21 emergency personnel exempt from licensure under the provisions
22 of this article while that person is providing emergency care
23 to a third person or while that person is assisting at the
24 scene of an emergency, directing traffic at the scene of an
25 emergency, or managing or helping to manage the scene of an
26 emergency.

27 "(3) Violate subsection (c) or (d) of this section.

1 "(4) Offer, provide, or perform, without a license
2 or certificate to do so, an emergency medical service or other
3 function which, under the provisions of this article or the
4 rules adopted pursuant thereto, may not be performed without a
5 license or certificate issued by the Board of Health;
6 provided, however, this subdivision does not apply to
7 emergency medical service personnel who have the privilege to
8 practice in the state pursuant to the Emergency Medical
9 Services Personnel Licensure Interstate Compact. No person
10 shall be subject to criminal liability pursuant to this
11 section in the event he or she renders first aid or emergency
12 care at the scene of an injury caused by a motor vehicle crash
13 or by some other incident, or at the scene of a mass casualty
14 or disaster if:

15 "a. The first aid or emergency care is rendered
16 gratuitously and in good faith; and

17 "b. The first aid or emergency care is not rendered
18 in the course of a business, program, or system which
19 regularly engages in the provision of emergency medical care.

20 "(b) Nothing in this section shall be construed to
21 repeal, abridge, or modify Section 6-5-332 or any other good
22 Samaritan statute.

23 "(c) No person shall regularly engage in providing
24 emergency medical care at the scene of emergencies unless he
25 or she is licensed as EMSP as defined in this article, or
26 unless he or she is exempted from licensure pursuant to the
27 provisions of this article. Notwithstanding the foregoing,

1 nothing in this article shall be construed to prohibit any
2 physician or nurse licensed in Alabama from performing any act
3 within his or her scope of practice. No person shall hold
4 himself or herself out to be EMSP, unless he or she is
5 licensed as such as defined in this chapter. EMSP licensed in
6 other jurisdictions may identify themselves as holding such
7 licensure.

8 "(d) The board shall by rule establish the scope of
9 privilege for each level of EMSP licensure. No person shall
10 exceed the scope of privilege granted to his or her level of
11 licensure.

12 "(e) Control of an emergency scene may be taken by
13 EMSP if the personnel arrive at the scene of an emergency
14 prior to the arrival of law enforcement personnel, and if
15 managing the emergency scene will not interfere with other
16 emergency medical care duties. Emergency scene control shall
17 include the authority to direct traffic. A driver of a motor
18 vehicle entering an emergency scene or entering a roadway
19 adjacent to an emergency scene shall use caution, shall
20 maintain proper control of the motor vehicle, and shall obey
21 the directions of law enforcement personnel and emergency
22 personnel at the scene. Any person violating this subsection
23 shall be guilty of a violation.

24 "(f) The board may, following the contested case
25 provisions of the Administrative Procedure Act, suspend or
26 revoke the license or certificate of EMSP at any level, or a
27 provider service, or it may refuse to grant a license or

1 certificate to any person or entity at any time that any of
2 the following is determined with respect to the holder or
3 applicant:

4 "(1) Does not meet or no longer meets the prescribed
5 qualifications.

6 "(2) Is guilty of misconduct as defined by the
7 board's rules or otherwise commits a violation of this act or
8 any rules promulgated thereunder.

9 "(3) Has failed to maintain the required level of
10 continuing education units or any equivalent therefor defined
11 in the board's rules.

12 "(4) Has provided care to a patient or patients
13 under his or her care which falls short of the standard of
14 care which ordinarily would be expected to be provided by
15 similarly situated EMSP in Alabama, and has thereby
16 jeopardized the life, health, or safety of a patient or
17 patients.

18 "(5) Has sexually or physically abused a patient
19 under his or her care.

20 "(6) Has submitted a license or test application, a
21 report of continuing education requirements, a run report, a
22 patient care record, EMSP student record, clinical rotation
23 record, intent to train form, self-study document, fluid and
24 drug application, physician medication order form, or any
25 other document which is material to the duties and
26 qualifications of EMSP or those of a student in an EMSP

1 training program and which is fraudulent or knowingly false in
2 any respect.

3 "(7) Has committed fraud in the performance of his
4 or her duties or in connection with any matter related to
5 emergency medical services.

6 "(8) Has been convicted of a crime involving moral
7 turpitude, or a crime in which the victim is an EMSP provider
8 service or an EMS patient, unless the board determines that
9 the fact of the conviction would not likely interfere with the
10 performance of EMS duties.

11 "(9) Has performed any act requiring licensure or
12 certification under state EMS statutes, without possession of
13 the requisite licensure or certification.

14 "(10) Has performed any act which exceeds the scope
15 of license or privilege granted to the holder."

16 Section 2. A new Article 4, commencing with Section
17 22-18-50, is added to Chapter 18 of Title 22 of the Code of
18 Alabama 1975, to read as follows:

19 ARTICLE 4. Emergency Medical Services Personnel
20 Licensure Interstate Compact.

21 §22-18-50.

22 The Emergency Medical Services Personnel Licensure
23 Interstate Compact is hereby enacted into law and entered into
24 with all other jurisdictions legally joining therein in form
25 substantially as follows:

26 SECTION 1. PURPOSE.

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

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

1 6. Promote compliance with the laws governing EMS
2 personnel practice in each member state; and

3 7. Invest all member states with the authority to
4 hold EMS personnel accountable through the mutual recognition
5 of member state licenses.

6 SECTION 2. DEFINITIONS

7 In this Compact:

8 A. "Advanced Emergency Medical Technician (AEMT)"
9 means: an individual licensed with cognitive knowledge and a
10 scope of practice that corresponds to that level in the
11 National EMS Education Standards and National EMS Scope of
12 Practice Model.

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

23 C. "Alternative program" means: a voluntary,
24 non-disciplinary substance abuse recovery program approved by
25 a state EMS authority.

26 D. "Certification" means: the successful
27 verification of entry-level cognitive and psychomotor

1 competency using a reliable, validated, and legally defensible
2 examination.

3 E. "Commission" means: the national administrative
4 body of which all states that have enacted the Compact are
5 members.

6 F. "Emergency Medical Technician (EMT)" means: an
7 individual licensed with cognitive knowledge and a scope of
8 practice that corresponds to that level in the National EMS
9 Education Standards and National EMS Scope of Practice Model.

10 G. "Home State" means: a member state where an
11 individual is licensed to practice emergency medical services.

12 H. "License" means: the authorization by a state for
13 an individual to practice as an EMT, AEMT, paramedic, or a
14 level in between EMT and paramedic.

15 I. "Medical Director" means: a physician licensed in
16 a member state who is accountable for the care delivered by
17 EMS personnel.

18 J. "Member State" means: a state that has enacted
19 this Compact.

20 K. "Privilege to Practice" means: an individual's
21 authority to deliver emergency medical services in remote
22 states as authorized under this Compact.

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

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

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

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

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

18 Q. "Significant Investigatory Information" means:

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

25 2. investigative information that indicates that the
26 individual represents an immediate threat to public health and

1 safety regardless of whether the individual has been notified
2 and had an opportunity to respond.

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

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

8 SECTION 3. HOME STATE LICENSURE

9 A. Any member state in which an individual holds a
10 current license shall be deemed a home state for purposes of
11 this Compact.

12 B. Any member state may require an individual to
13 obtain and retain a license to be authorized to practice in
14 the member state under circumstances not authorized by the
15 privilege to practice under the terms of this Compact.

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

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

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

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

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

10 5. Complies with the rules of the Commission.

11 SECTION 4. Compact PRIVILEGE TO PRACTICE

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

15 B. To exercise the privilege to practice under the
16 terms and provisions of this Compact, an individual must:

17 1. Be at least 18 years of age;

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

22 3. Practice under the supervision of a medical
23 director.

24 C. An individual providing patient care in a remote
25 state under the privilege to practice shall function within
26 the scope of practice authorized by the home state unless and

1 until modified by an appropriate authority in the remote state
2 as may be defined in the rules of the commission.

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

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

16 F. If an individual's privilege to practice in any
17 remote state is restricted, suspended, or revoked the
18 individual shall not be eligible to practice in any remote
19 state until the individual's privilege to practice is
20 restored.

21 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

8 4. The individual enters a remote state to pick up a
9 patient and provide care and transport to a third member
10 state;

11 5. Other conditions as determined by rules
12 promulgated by the commission.

13 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT
14 ASSISTANCE Compact

15 Upon a member state's governor's declaration of a
16 state of emergency or disaster that activates the Emergency
17 Management Assistance Compact (EMAC), all relevant terms and
18 provisions of EMAC shall apply and to the extent any terms or
19 provisions of this Compact conflicts with EMAC, the terms of
20 EMAC shall prevail with respect to any individual practicing
21 in the remote state in response to such declaration.

22 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM
23 ACTIVE DUTY MILITARY, AND THEIR SPOUSES

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

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

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

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

12 SECTION 8. ADVERSE ACTIONS

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

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

20 1. All home state adverse action orders shall
21 include a statement that the individual's Compact privileges
22 are inactive. The order may allow the individual to practice
23 in remote states with prior written authorization from both
24 the home state and remote state's EMS authority.

25 2. An individual currently subject to adverse action
26 in the home state shall not practice in any remote state

1 without prior written authorization from both the home state
2 and remote state's EMS authority.

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

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

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

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

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

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

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

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

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

21 SECTION 10. ESTABLISHMENT OF THE INTERSTATE
22 COMMISSION FOR EMS PERSONNEL PRACTICE

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

26 1. The Commission is a body politic and an
27 instrumentality of the Compact states.

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

8 3. Nothing in this Compact shall be construed to be
9 a waiver of sovereign immunity.

10 B. Membership, Voting, and Meetings

11 1. Each member state shall have and be limited to
12 one (1) delegate. The responsible official of the state EMS
13 authority or his designee shall be the delegate to this
14 Compact for each member state. Any delegate may be removed or
15 suspended from office as provided by the law of the state from
16 which the delegate is appointed. Any vacancy occurring in the
17 Commission shall be filled in accordance with the laws of the
18 member state in which the vacancy exists. In the event that
19 more than one board, office, or other agency with the
20 legislative mandate to license EMS personnel at and above the
21 level of EMT exists, the Governor of the state will determine
22 which entity will be responsible for assigning the delegate.

23 2. Each delegate shall be entitled to one (1) vote
24 with regard to the promulgation of rules and creation of
25 bylaws and shall otherwise have an opportunity to participate
26 in the business and affairs of the Commission. A delegate
27 shall vote in person or by such other means as provided in the

1 bylaws. The bylaws may provide for delegates' participation in
2 meetings by telephone or other means of communication.

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

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

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

11 a. Non-compliance of a member state with its
12 obligations under the Compact;

13 b. The employment, compensation, discipline or other
14 personnel matters, practices or procedures related to specific
15 employees or other matters related to the Commission's
16 internal personnel practices and procedures;

17 c. Current, threatened, or reasonably anticipated
18 litigation;

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

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

23 f. Disclosure of trade secrets or commercial or
24 financial information that is privileged or confidential;

25 g. Disclosure of information of a personal nature
26 where disclosure would constitute a clearly unwarranted
27 invasion of personal privacy;

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

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

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

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

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

1 1. Establishing the fiscal year of the Commission;

2 2. Providing reasonable standards and procedures:

3 a. for the establishment and meetings of other
4 committees; and

5 b. governing any general or specific delegation of
6 any authority or function of the Commission;

7 3. Providing reasonable procedures for calling and
8 conducting meetings of the Commission, ensuring reasonable
9 advance notice of all meetings, and providing an opportunity
10 for attendance of such meetings by interested parties, with
11 enumerated exceptions designed to protect the public's
12 interest, the privacy of individuals, and proprietary
13 information, including trade secrets. The Commission may meet
14 in closed session only after a majority of the membership
15 votes to close a meeting in whole or in part. As soon as
16 practicable, the Commission must make public a copy of the
17 vote to close the meeting revealing the vote of each member
18 with no proxy votes allowed;

19 4. Establishing the titles, duties and authority,
20 and reasonable procedures for the election of the officers of
21 the Commission;

22 5. Providing reasonable standards and procedures for
23 the establishment of the personnel policies and programs of
24 the Commission. Notwithstanding any civil service or other
25 similar laws of any member state, the bylaws shall exclusively
26 govern the personnel policies and programs of the Commission;

1 6. Promulgating a code of ethics to address
2 permissible and prohibited activities of Commission members
3 and employees;

4 7. Providing a mechanism for winding up the
5 operations of the Commission and the equitable disposition of
6 any surplus funds that may exist after the termination of the
7 Compact after the payment and/or reserving of all of its debts
8 and obligations;

9 8. The Commission shall publish its bylaws and file
10 a copy thereof, and a copy of any amendment thereto, with the
11 appropriate agency or officer in each of the member states, if
12 any.

13 9. The Commission shall maintain its financial
14 records in accordance with the bylaws.

15 10. The Commission shall meet and take such actions
16 as are consistent with the provisions of this Compact and the
17 bylaws.

18 D. The Commission shall have the following powers:

19 1. The authority to promulgate uniform rules to
20 facilitate and coordinate implementation and administration of
21 this Compact. The rules shall have the force and effect of law
22 and shall be binding in all member states;

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

- 1 3. To purchase and maintain insurance and bonds;
- 2 4. To borrow, accept, or contract for services of
3 personnel, including, but not limited to, employees of a
4 member state;
- 5 5. To hire employees, elect or appoint officers, fix
6 compensation, define duties, grant such individuals
7 appropriate authority to carry out the purposes of the
8 Compact, and to establish the Commission's personnel policies
9 and programs relating to conflicts of interest, qualifications
10 of personnel, and other related personnel matters;
- 11 6. To accept any and all appropriate donations and
12 grants of money, equipment, supplies, materials and services,
13 and to receive, utilize and dispose of the same; provided that
14 at all times the Commission shall strive to avoid any
15 appearance of impropriety and/or conflict of interest;
- 16 7. To lease, purchase, accept appropriate gifts or
17 donations of, or otherwise to own, hold, improve or use, any
18 property, real, personal or mixed; provided that at all times
19 the Commission shall strive to avoid any appearance of
20 impropriety;
- 21 8. To sell convey, mortgage, pledge, lease,
22 exchange, abandon, or otherwise dispose of any property real,
23 personal, or mixed;
- 24 9. To establish a budget and make expenditures;
- 25 10. To borrow money;
- 26 11. To appoint committees, including advisory
27 committees comprised of members, state regulators, state

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

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

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

7 14. To perform such other functions as may be
8 necessary or appropriate to achieve the purposes of this
9 Compact consistent with the state regulation of EMS personnel
10 licensure and practice.

11 E. Financing of the Commission

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

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

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

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

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

14 F. Qualified Immunity, Defense, and Indemnification

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

1 2. The Commission shall defend any member, officer,
2 executive director, employee or representative of the
3 Commission in any civil action seeking to impose liability
4 arising out of any actual or alleged act, error, or omission
5 that occurred within the scope of Commission employment,
6 duties, or responsibilities, or that the person against whom
7 the claim is made had a reasonable basis for believing
8 occurred within the scope of Commission employment, duties, or
9 responsibilities; provided that nothing herein shall be
10 construed to prohibit that person from retaining his or her
11 own counsel; and provided further, that the actual or alleged
12 act, error, or omission did not result from that person's
13 intentional or willful or wanton misconduct.

14 3. The Commission shall indemnify and hold harmless
15 any member, officer, executive director, employee, or
16 representative of the Commission for the amount of any
17 settlement or judgment obtained against that person arising
18 out of any actual or alleged act, error or omission that
19 occurred within the scope of Commission employment, duties, or
20 responsibilities, or that such person had a reasonable basis
21 for believing occurred within the scope of Commission
22 employment, duties, or responsibilities, provided that the
23 actual or alleged act, error, or omission did not result from
24 the intentional or willful or wanton misconduct of that
25 person.

26 SECTION 11. COORDINATED DATABASE

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

6 B. Notwithstanding any other provision of state law
7 to the contrary, a member state shall submit a uniform data
8 set to the coordinated database on all individuals to whom
9 this Compact is applicable as required by the rules of the
10 Commission, including:

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

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

1 D. Member states contributing information to the
2 coordinated database may designate information that may not be
3 shared with the public without the express permission of the
4 contributing state.

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

9 SECTION 12. RULEMAKING

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

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

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

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

- 26 1. On the website of the Commission; and

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

4 E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

22 2. A governmental subdivision or agency; or

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

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

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

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

9 3. No transcript of the hearing is required, unless
10 a written request for a transcript is made, in which case the
11 person requesting the transcript shall bear the cost of
12 producing the transcript. A recording may be made in lieu of a
13 transcript under the same terms and conditions as a
14 transcript. This subsection shall not preclude the Commission
15 from making a transcript or recording of the hearing if it so
16 chooses.

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

21 I. Following the scheduled hearing date, or by the
22 close of business on the scheduled hearing date if the hearing
23 was not held, the Commission shall consider all written and
24 oral comments received.

25 J. The Commission shall, by majority vote of all
26 members, take final action on the proposed rule and shall

1 determine the effective date of the rule, if any, based on the
2 rulemaking record and the full text of the rule.

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

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

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

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

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

23 4. Protect public health and safety.

24 M. The Commission or an authorized committee of the
25 Commission may direct revisions to a previously adopted rule
26 or amendment for purposes of correcting typographical errors,
27 errors in format, errors in consistency, or grammatical

1 errors. Public notice of any revisions shall be posted on the
2 website of the Commission. The revision shall be subject to
3 challenge by any person for a period of thirty (30) days after
4 posting. The revision may be challenged only on grounds that
5 the revision results in a material change to a rule. A
6 challenge shall be made in writing, and delivered to the chair
7 of the Commission prior to the end of the notice period. If no
8 challenge is made, the revision will take effect without
9 further action. If the revision is challenged, the revision
10 may not take effect without the approval of the Commission.

11 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND
12 ENFORCEMENT

13 A. Oversight

14 1. The executive, legislative, and judicial branches
15 of state government in each member state shall enforce this
16 Compact and take all actions necessary and appropriate to
17 effectuate the Compact's purposes and intent. The provisions
18 of this Compact and the rules promulgated hereunder shall have
19 standing as statutory law.

20 2. All courts shall take judicial notice of the
21 Compact and the rules in any judicial or administrative
22 proceeding in a member state pertaining to the subject matter
23 of this Compact which may affect the powers, responsibilities
24 or actions of the Commission.

25 3. The Commission shall be entitled to receive
26 service of process in any such proceeding, and shall have
27 standing to intervene in such a proceeding for all purposes.

1 Failure to provide service of process to the Commission shall
2 render a judgment or order void as to the Commission, this
3 Compact, or promulgated rules.

4 B. Default, Technical Assistance, and Termination

5 1. If the Commission determines that a member state
6 has defaulted in the performance of its obligations or
7 responsibilities under this Compact or the promulgated rules,
8 the Commission shall:

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

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

15 2. If a state in default fails to cure the default,
16 the defaulting state may be terminated from the Compact upon
17 an affirmative vote of a majority of the member states, and
18 all rights, privileges and benefits conferred by this Compact
19 may be terminated on the effective date of termination. A cure
20 of the default does not relieve the offending state of
21 obligations or liabilities incurred during the period of
22 default.

23 3. Termination of membership in the Compact shall be
24 imposed only after all other means of securing compliance have
25 been exhausted. Notice of intent to suspend or terminate shall
26 be given by the Commission to the Governor, the majority and

1 minority leaders of the defaulting state's legislature, and
2 each of the member states.

3 4. A state that has been terminated is responsible
4 for all assessments, obligations, and liabilities incurred
5 through the effective date of termination, including
6 obligations that extend beyond the effective date of
7 termination.

8 5. The Commission shall not bear any costs related
9 to a state that is found to be in default or that has been
10 terminated from the Compact, unless agreed upon in writing
11 between the Commission and the defaulting state.

12 6. The defaulting state may appeal the action of the
13 Commission by petitioning the U.S. District Court for the
14 District of Columbia or the federal district where the
15 Commission has its principal offices. The prevailing member
16 shall be awarded all costs of such litigation, including
17 reasonable attorney's fees.

18 C. Dispute Resolution

19 1. Upon request by a member state, the Commission
20 shall attempt to resolve disputes related to the Compact that
21 arise among member states and between member and nonmember
22 states.

23 2. The Commission shall promulgate a rule providing
24 for both mediation and binding dispute resolution for disputes
25 as appropriate.

26 D. Enforcement

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

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

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

17 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
18 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,
19 WITHDRAWAL, AND AMENDMENT

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

1 B. Any state that joins the Compact subsequent to
2 the Commission's initial adoption of the rules shall be
3 subject to the rules as they exist on the date on which the
4 Compact becomes law in that state. Any rule that has been
5 previously adopted by the Commission shall have the full force
6 and effect of law on the day the Compact becomes law in that
7 state.

8 C. Any member state may withdraw from this Compact
9 by enacting a statute repealing the same.

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

12 2. Withdrawal shall not affect the continuing
13 requirement of the withdrawing state's EMS authority to comply
14 with the investigative and adverse action reporting
15 requirements of this act prior to the effective date of
16 withdrawal.

17 D. Nothing contained in this Compact shall be
18 construed to invalidate or prevent any EMS personnel licensure
19 agreement or other cooperative arrangement between a member
20 state and a nonmember state that does not conflict with the
21 provisions of this Compact.

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

26 SECTION 15. CONSTRUCTION AND SEVERABILITY

1 This Compact shall be liberally construed so as to
2 effectuate the purposes thereof. If this Compact shall be held
3 contrary to the constitution of any state member thereto, the
4 Compact shall remain in full force and effect as to the
5 remaining member states. Nothing in this Compact supersedes
6 state law or rules related to licensure of EMS agencies.

7 Section 3. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.