

Emergency Medical Services Personnel Licensure Interstate Compact

Status Report for NASEMSO Board of Directors 2013



Article I: Purpose

- Increase access to EMS personnel
- Facilitate the states' responsibility to protect the public's health and safety, especially patient safety;
- Ensure and encourage the cooperation of compact member states in the areas of EMS personnel licensure to practice and regulation;
- Support licensing of separating active duty military members and their spouses;

Article I: Purpose con't

- Facilitate the exchange of information between compact member states in the areas of EMS personnel regulation, investigation and adverse actions;
- Promote compliance with the laws governing EMS personnel practice in each member state; and
- Invest all compact member states with the authority to hold EMS personnel accountable through the mutual recognition of compact member state licenses.

December Drafting Team Considerations

- Increase public access to EMS personnel
- Enhance states' ability to protect the public
- Encourage cooperation in areas of EMS personnel licensure ~~to practice~~ and regulation

Article II: Definitions

- AEMT
- Adverse Action
- Certification
- Commission
- Criminal History Check
- EMAC
- EMS Personnel
- EMT
- Encumbered
- Home State
- License
- Medical Director
- Member State
- Multistate Privilege to Practice
- Paramedic
- Primary Affiliation
- Primary State of Affiliation
- Remote State
- Rule
- Significant Investigatory Information
- State
- State EMS Authority
- Unencumbered



December Drafting Team Considerations

- Certification {is used as an equivalent to licensure, not sure this is necessary}
- Coordinated Database
- ~~Encumbered~~
- ~~Multistate Privilege to Practice~~
- ~~Primary Affiliation~~
- ~~Primary State of Affiliation~~ {synonymous with Home State?}
- ~~State~~ {have 'Member' & 'Remote State'}
- ~~Unencumbered~~ to Unrestricted



Article III: General Provisions & Jurisdiction

- EMT, AEMT or paramedic must:
 - Be at least 18 years of age
 - Possess current, unencumbered license
 - Have a medical director
- Exercise SOP consistent with home state
- Remote state may limit or revoke privilege
- EMAC activation negates EPIC

December Drafting Team Considerations

- New Article IV
- Title Change: COMPACT PRIVILEGE TO PRACTICE
- EMT, AEMT or paramedic must:
 - Possess current, unencumbered full & unrestricted license
 - ~~Have Practice~~ under the supervision of a medical director
 - ‘Medical Director’ defined as ‘a physician in a ‘Member State’.
Do we need to address whether the Medical Director is authorized to ‘practice’ in the Remote State?
- ~~EMAC activation negates EPIG~~ {moved to it's own Article (VI)}
- If license or privilege to practice suspended et al, not eligible to practice in remote state until restriction lifted



Article IV: Conditions of Licensure in Member State

- Member state must:
 - Currently require use of NREMT exam at EMT & Paramedic levels
 - Mechanism for receiving & investigating complaints
 - Notify the Commission of adverse action/investigation regarding licensed individuals
 - Comply with Rules of the Commission
- Encumbered license in home state, then no multistate privilege
- Application denial will be reported to the Commission



Article IV: Licensure in Member State (con't)

- New home state declaration = must apply for licensure within 90 days
- If an individual has a secondary affiliation in another member state, that state may require they hold only a license in that state

December Drafting Team Considerations

- Now Article III
- Title Change: HOME STATE LICENSURE
- Can hold more than one Member State licenses, each license will be considered Home State {replaces bullet that they much choose one Home State}
- {Article V (Criminal History Checks) moved here – same language}
- ~~Application denial will be reported to the Commission~~
- ~~New home state declaration = must apply for licensure within 90 days~~

Article V: Criminal History Checks

- Applicant for initial licensure must meet:
 - home state requirements for criminal history checks
OR
 - Criminal history requirements as determined under the Rules of the Commission
- No later than 5 years after activation of compact, member state shall use results of fingerprint or other biometric data based criminal history check compliant with FBI for initial licensure

December Drafting Team Considerations

- Now Article III: Home State Licensure
 - same language

Article VI: Separating Service Members

- Compact provisions shall apply to all active service members, members of the National Guard & Reserves separating from active duty tour, and their spouses, who have current, valid, unrestricted NREMT certification
- Member states shall expedite the processing of applications for licensure

December Drafting Team Considerations

- New Article VII
 - Same language
- First sentence conveys no real benefit. However, if you want to provide something more substantive, you might consider amending the second sentence to read something like: “Member States shall expedite the processing of licensure applications by separating service members and shall consider a service member who holds a current, valid and unrestricted NREMT certification at or above the level of the state license or certification being sought as satisfying the training and examination requirements for such licensure or certification.”



Article VII: Conditions of Practice in Remote State

- Individual must enter the remote state during the performance of the EMS duties as assigned by authority promulgated in Rules of the Commission
- Individual must operate under one of the following:
 - Individual & patient originate in home state, transport patient to a remote state;
 - Individual originates in home state, enters remote state to pick up patient, provide care & transportation, return to home state;
 - Individual enters remote state to provide patient care and/or transport within that remote state;
 - Individual enters remote state to pick up a patient & provide care & transportation to 3rd member state;
 - Other conditions determined by promulgated rules



December Drafting Team Considerations

- New Article V
 - Same language
 - Assume that greater detail will be placed in rules and these conditions appear to cover the general cases

Article VIII: Adverse Actions

- Member states will report significant investigatory information or adverse action against a license or privilege to practice (factual & legal basis)
 - Commission will notify home state
- Member states will complete pending investigations of individuals changing primary state of affiliation
 - Commission will notify new home state
- Home state has exclusive power to impose adverse action against an individual
 - Remote state may take action limited to practice in that remote state

Article VIII: Adverse Actions (con't)

- Any member state may take adverse action based on findings of another member state
- Member state can still decide that participation in an alternative program may be used in lieu of adverse action; such action can remain non-public
- Adverse action will cause an individual's privilege inactivated until encumbrances removed
 - Include statement that compact privileges are inactive
 - Cannot practice in remote state without prior authorization
 - Member states will report adverse actions to Commission

December Drafting Team Considerations

- ~~Adverse Disciplinary Actions~~
- ~~Member states will report significant investigatory information or adverse action against a license or privilege to practice (factual & legal basis)~~
- Members states will complete pending investigations of individuals changing primary state of affiliation {Move to Article IX {Additional Authority Invested in a Member State's EMS Authority) – same language}
- Article reorganized, cleaner language

Article IX: Additional Authorities Invested in EMS Authority

- Issue subpoenas for hearings & investigations (require attendance and testimony of witnesses & production of evidence)
 - Enforced by requested member state
 - Issuing state EMS authority shall pay witness fees, travel expenses, mileage & other fees
- Issue cease & desist orders to limit or revoke an individual's privilege to practice

December Drafting Team Considerations

- Members states will complete pending investigations of individuals changing primary state of affiliation {Moved from to Article VIII {Adverse Actions) – same language}

Article X: Database

- Member states shall submit uniform data set
 - Identifying information
 - Licensure data
 - Significant investigatory information & adverse actions;
 - Indicator that privilege to practice is limited or revoked;
 - Non-confidential info related to alternative programs
 - Denial of application for licensure, & reasons for denial;
 - Other information as determined by Commission
- Member states may designate information that may not be shared with the public
- Information contributed that is subsequently required to expunged shall be removed

December Drafting Team Considerations

- Commission shall provide for the development/maintenance of a Database/reporting system containing licensure and disciplinary action on all licensees of Member States
- Database administer shall promptly notify Member States of adverse action taken against, or significant investigative information on, any licensee in a Member State
- Information ~~contributed~~ submitted that is subsequently required to expunged shall be removed

Article XI: Establishment of Commission {mostly boilerplate}

- Member states limited to 1 delegate (head of EMS authority or designee)
- Delegates entitled to 1 vote regarding rule promulgation & creation of bylaws
- Commission will meet once during calendar year
- Meetings will be open, but may convene closed meetings under certain circumstances
- Powers of Commission listed in Compact
- Financing of the Commission
 - May accept appropriate revenue sources, donation & grants (money, equipment, supplies & services)
 - May levy and collect annual assessment from member states, or impose fees on other parties to cover cost of operation



December Drafting Team Considerations

- No changes

Article XII: Rulemaking {mostly boilerplate}

- Rules/amendment shall become binding as of date specified
- If majority of legislatures reject a rule, it will have no further force in any member state
- Rules/amendments shall be adopted at regular or special meetings of the Commission
- Commission shall grant a public hearing before it adopts a rule/amendment, if requested

December Drafting Team Considerations

- No changes

Article XIII: Oversight, Dispute Resolution, Enforcement {boilerplate}

- Executive, legislative & judicial branches of each member state shall enforce the compact
- Commission will provide notice regarding states defaulting in responsibilities/obligations
 - Defaulting state may be terminated from the compact
 - Only after all other means of securing compliance exhausted
- Commission shall attempt to resolve disputes
- Commission shall enforce the provisions & rules of compact

December Drafting Team Considerations

- No changes

Article XIV: Date of Implementation; Withdrawal & Amendment

- Compact effective on date when enacted into law in the 10th state
 - Commission then starts rulemaking
- Member states may withdraw by enacting a repealing statute
- Nothing in compact shall invalidate or prevent any current EMS personnel licensure agreement or other cooperative arrangement
- Compact may be amended



December Drafting Team Considerations

- No changes

Article XV: Construction & Severability {boilerplate}

- Nothing in compact supersedes state law or rules related to licensure of EMS agencies

December Drafting Team Considerations

- No changes

Content Flow Considerations (differences only)

October Draft

- III – Provisions/Jurisdiction
- IV – Licensure Conditions
- V – Criminal History Check
- VI – Separating Military
- VII – Remote State Conditions of Practice
- VIII – Adverse Actions

New Draft

- III – Licensure Conditions (Home State Licensure)
- IV – Provisions/Jurisdiction (Compact Privilege to Practice)
- V – Remote State Conditions of Practice
- VI – EMAC Relationship
- VII – Separating Military
- VIII – Adverse Actions