

**EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE**

**INTERSTATE COMPACT**

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**ARTICLE I**

**PURPOSE**

Whereas, states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs) and paramedics, in order to protect the public through verification of competency and ensure accountability for patient care related activities; and

Whereas, this Compact is intended to facilitate the day to day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority; and

Whereas, this Compact is intended to authorize state EMS offices to afford legal recognition, in a manner consistent with the terms of the Compact, to EMS personnel licensed in another state; and

Whereas, this Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation will best protect public health and safety;

Consistent with these principles, this Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;

- 20        2. Enhance the states' ability to protect the public's health and safety, especially patient  
21            safety;
- 22        3. Encourage the cooperation of Compact Member States in the areas of EMS personnel  
23            licensure and regulation;
- 24        4. Support licensing of separating active duty military members and their spouses;
- 25        5. Facilitate the exchange of information between Compact Member States regarding EMS  
26            personnel licensure and disciplinary history;
- 27        6. Promote compliance with the laws governing EMS personnel practice in each Member  
28            State; and
- 29        7. Invest all Compact Member States with the authority to hold EMS personnel accountable  
30            through the mutual recognition of Compact Member State licenses.

31 **ARTICLE II**

32 **DEFINITIONS**

- 33 A. “Advanced Emergency Medical Technician (AEMT)” means: an individual licensed  
34 with a scope of practice that corresponds to that level in the National EMS Scope of  
35 Practice Model.
- 36 B. “Adverse Action” means: whatever NPDB says.
- 37 C. “Certification” means: the successful verification of entry level cognitive and  
38 psychomotor competency using a reliable, validated, and legally defensible  
39 examination. **[Certification is used as an equivalent to licensure. I do not think**  
40 **this is necessary.]**
- 41 D. “Commission” means: the national administration of which all Compact states are  
42 members.
- 43 E. “Coordinated Database” means: the common licensure, disciplinary database and  
44 reporting system to be provided and maintained by the Commission for purposes of  
45 implementation of this Compact.
- 46 F. “Criminal History Check” means:
- 47 G. “Emergency Management Assistance Compact (EMAC)” means:
- 48 H. “Emergency Medical Services (EMS) Personnel” means:
- 49 I. “Emergency Medical Technician (EMT)” means:
- 50 J. “Home State” means: a Member State where an individual is licensed to practice  
51 emergency medical services.
- 52 K. “License” means: the document issued by the state that authorizes an individual  
53 practice as an EMT, AEMT, or paramedic.

- 54 L. “Medical Director” means: a physician licensed in a Member State
- 55 M. “Member State” means: a state, the District of Columbia, or US territory or possession  
56 that has enacted this Compact (Rick, need your help with this one as it should  
57 probably read the same as other Compacts).
- 58 N. “Privilege to Practice” means: an individual’s authority to practice, within the limits  
59 authorized under this Compact, in a Member State in which the individual does not  
60 have a license.
- 61 O. “Paramedic” means:
- 62 P. “Remote State” means: a Member State in which an individual is not licensed to  
63 practice emergency medical services and in which an individual is practicing under a  
64 Privilege to Practice.
- 65 Q. “Rule” means:
- 66 R. “Significant Investigatory Information” means:
- 67 a. investigative information that a State EMS Authority, after a preliminary inquiry  
68 that includes notification and an opportunity to respond if required by state law,  
69 has reason to believe, if proved true, would indicate more than a minor infraction;  
70 or
- 71 b. investigative information that indicates that the individual represents an  
72 immediate threat to public health and safety regardless of whether the individual  
73 has been notified and had an opportunity to respond.
- 74 S. “State EMS Authority” means: the Board, office or other agency with the legislative  
75 mandate to license EMS personnel.

**ARTICLE III****HOME STATE LICENSURE**

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- A. An individual may hold one or more Member State licenses at a time. Each Member State in which an individual holds a current license shall be deemed the individual's Home State for purposes of this Compact.
- B. Any Member State may require an individual to obtain and retain a license to be authorized to practice in the Member State under circumstances not authorized by a Privilege to Practice under the terms of this Compact.
- C. A Home State's license authorizes an individual to practice in a Remote State under a Privilege to Practice only if the Member State:
  - a. Currently requires the use of the National Registry of Emergency Medical Technicians examination as a condition of issuing initial licenses at the EMT [AEMT?] and paramedic levels;
  - b. Has a mechanism in place for receiving and investigating complaints about licensed individuals;
  - c. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual;
  - d. No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation; and
  - e. Complies with the rules of the Commission.

98 **ARTICLE IV**

99 **COMPACT PRIVILEGE TO PRACTICE**

- 100 A. Member States shall recognize the right of an individual, licensed in a Member State in  
101 conformance with Article III, to Practice in other Member States (Remote States) in which  
102 the individual is not licensed, under a Privilege to Practice as provided in the Compact.
- 103 B. To exercise a Privilege to Practice under the terms and provisions of this Compact, an  
104 individual licensed to practice in a Member State must:
- 105 1. Be at least 18 years of age;
  - 106 2. Possess a current, full and unrestricted license in a Member State as an EMT, AEMT, or  
107 paramedic; and
  - 108 3. Practice under the supervision of a medical director. **[We define “Medical Director” as**  
109 **“a physician licensed in a Member State.” Do we need to address whether the**  
110 **Medical Director is authorized to “practice” in the Remote State?]**
- 111 C. An individual practicing in a Remote State under a Privilege to Practice shall practice within  
112 the scope of practice authorized by the Home State unless and until modified by an  
113 appropriate authority in the Remote State.
- 114 D. An individual practicing in a Remote State under a Privilege to Practice will be subject to the  
115 Remote State’s authority and laws. A Remote State may, in accordance with that state’s due  
116 process laws, limit or revoke an individual’s Privilege to Practice in the Remote State and  
117 may take any other necessary actions under the Remote State’s applicable laws to protect the  
118 health and safety of the Remote State’s citizens. If a Remote State takes action, the state shall  
119 promptly notify the Home State and the Commission.

120 E. If an individual's license in any Home State, or any Privilege to Practice in any Remote  
121 State, is restricted, suspended or otherwise limited, the individual shall not be eligible to  
122 practice in a Remote State under a Privilege to Practice until the individual's Home State  
123 license or Remote State's Privilege to Practice is restored as full and unrestricted. **[You may**  
124 **want to narrow this to only adverse action against a license to allow for Member State**  
125 **A to restrict the Privilege but preserve Member State B's ability to still recognize the**  
126 **Privilege.]**

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## ARTICLE V

### CONDITIONS OF PRACTICE IN A REMOTE STATE

- A. An individual may practice in a Remote State under a Privilege to Practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:
1. The individual originates a patient transport in a Home State and transports the patient to a Remote State;
  2. The individual originates in the Home State and enters a Remote State to pick up a patient and provide care and transport of the patient to the Home State;
  3. The individual enters a Remote State to provide patient care and/or transport within that Remote State;
  4. The individual enters a Remote State to pick up a patient and provide care and transport to a third Member State;
  5. Other conditions as determined by rules promulgated by the commission.

**[I note that the listing of circumstances has been greatly streamlined; but I assume that you wish to place any greater detail in rules and these conditions appear to cover the general cases.]**



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**ARTICLE VI**

**RELATIONSHIP TO EMERGENCY MANAGEMENT  
ASSISTANCE COMPACT**

A. Upon a Remote State’s Governor’s declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact, all relevant terms and provisions of the Emergency Management Assistance Compact shall apply, and supercede, the terms of this Compact with respect to any individual practicing in the Remote State in response to such declaration.

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## ARTICLE VII

### SEPARATING SERVICE MEMBERS TRANSITIONING FROM ACTIVE DUTY

#### MILITARY

The provisions of this Compact shall apply to all active service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses, who have a current, valid, unrestricted NREMT certification at or above the level of the license or certificate the applicant is seeking from the state EMS authority. Member States shall expedite the processing of applications for licensure made by such individuals. **[I know you understand that the 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.”]**

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## ARTICLE VIII

### ADVERSE ACTIONS

A. A Home State shall have exclusive power to impose adverse action against an individual's license issued by the Home State.

B. If a Home State takes adverse action against an individual's license, that individual's Privilege to Practice is inactivated and the individual may not practice in a Remote State under a Privilege to Practice until all suspensions, restrictions or limitations have been removed from the license.

1. All Home State disciplinary orders which impose adverse action on a licensee shall include a statement that the licensee's Compact privileges are inactive during the pendency of the order. The order may allow the licensee to practice in Remote States with prior written authorization from both the Home State and Remote State's EMS authority.

2. An individual currently subject to adverse action in the Home State shall not practice in any Remote State without prior written authorization from both the Home State and Remote State's EMS authority.

3. A Member State shall report adverse actions and any occurrences that the individual's Compact privileges are limited or revoked to the Commission in accordance with the rules of the Commission.

C. A Remote State may take adverse action on an individual's Privilege to Practice within that state.

- 188 D. Any Member State may take adverse action against an individual's Privilege to Practice in  
189 that state based on the factual findings of another Member State, so long as each state follows  
190 its own procedures for imposing such adverse action.
- 191 E. A Home State's EMS authority shall investigate and take appropriate action with respect to  
192 reported conduct which occurred outside in a Remote State as it would if such conduct had  
193 occurred within the Home State. In such cases, the Home State's law shall control in  
194 determining the appropriate adverse action.
- 195 F. Nothing in this Compact shall override a Member State's decision that participation in an  
196 alternative program may be used in lieu of adverse action and that such participation shall  
197 remain non-public if required by the Member State's laws. Member States must require  
198 individuals who enter any alternative programs to agree not to practice in any other Member  
199 State during the term of the alternative program without prior authorization from such other  
200 Member State.

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**ARTICLE IX**  
**ADDITIONAL AUTHORITIES INVESTED IN A MEMBER STATE’S EMS**  
**AUTHORITY**

- A. In addition to any other powers granted under state law, a Member State’s EMS authority shall have the authority under this Compact to:
1. Issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a Member State’s EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another Member State shall be enforced in the latter state by any court of competent jurisdiction, according to that court’s practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and
  2. Issue cease and desist orders to limit or revoke an individual’s Privilege to Practice in the state.
  3. A Home State EMS authority is authorized to complete any pending investigations of an individual who changes Home State affiliation during the course of an investigation and to take appropriate action(s). the Home State EMS authority shall promptly report the conclusions of such investigations to the Executive Director of the Commission. The Executive Director of the Commission shall promptly notify the new Home State of any such actions as provided in the rules of the Commission.

222 **ARTICLE X**223 **DATABASE**

224 A. The Commission shall provide for the development and maintenance of a Coordinated  
225 Database and reporting system containing licensure and disciplinary action on all licensees of  
226 Member States.

227 B. Notwithstanding any other provision of state law to the contrary, a Member State shall  
228 submit a uniform data set to the Coordinated Database on all individuals to whom this  
229 Compact is applicable as required by the rules of the Commission, including:

- 230 1. Identifying information;
- 231 2. Licensure data;
- 232 3. Significant investigatory information and adverse actions;
- 233 4. Adverse actions against an individual's license;
- 234 5. An indicator that an individual's Privilege to Practice is limited, suspended or revoked;
- 235 6. Non-confidential information related to alternative program participation information;
- 236 7. Any denial of application for licensure, and the reasons for such denial; and
- 237 8. Other information which may facilitate the administration of this Compact, as determined  
238 by the rules of the Commission.

239 C. The Coordinated Database administer shall promptly notify all Member States of any adverse  
240 action taken against, or significant investigative information on, any licensee in a Member  
241 State.

242 D. Member States contributing information to the Coordinated Database may designate  
243 information that may not be shared with the public without the express permission of the  
244 contributing state.

245 E. Any information submitted to the Coordinated Database that is subsequently required to be  
246 expunged by the laws of the Member State contributing the information shall be removed  
247 from the Coordinated Database.

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## ARTICLE XI

### ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL

#### LICENSURE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission of EMS Personnel Licensure Compact.

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

#### B. Membership, Voting, and Meetings

1. Each Member State shall have and be limited to one (1) delegate. The head of the state EMS authority or their designee shall be the delegate to this Compact for each Member State. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Member State in which the vacancy exists.
2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such



- 270 other means as provided in the bylaws. The bylaws may provide for delegates’  
271 participation in meetings by telephone or other means of communication.
- 272 3. The Commission shall meet at least once during each calendar year. Additional  
273 meetings shall be held as set forth in the bylaws.
- 274 4. All meetings shall be open to the public, and public notice of meetings shall be given  
275 in the same manner as required under the rulemaking provisions in Article XII.
- 276 5. The Commission may convene in a closed, non-public meeting if the Commission  
277 must discuss:
- 278 a. Non-compliance of a Member State with its obligations under the Compact;
  - 279 b. The employment, compensation, discipline or other personnel matters, practices or  
280 procedures related to specific employees or other matters related to the  
281 Commission’s internal personnel practices and procedures;
  - 282 c. Current, threatened, or reasonably anticipated litigation;
  - 283 d. Negotiation of contracts for the purchase or sale of goods, services or real estate;
  - 284 e. Accusing any person of a crime or formally censuring any person;
  - 285 f. Disclosure of trade secrets or commercial or financial information which is privileged  
286 or confidential;
  - 287 g. Disclosure of information of a personal nature where disclosure would constitute a  
288 clearly unwarranted invasion of personal privacy;
  - 289 h. Disclosure of investigatory records compiled for law enforcement purposes;
  - 290 i. Disclosure of information related to any investigatory reports prepared by or on  
291 behalf of or for use of the Commission or other committee charged with  
292 responsibility of investigation or determination of compliance issues pursuant to the  
293 Compact; or

- 294           j. Matters specifically exempted from disclosure by federal and state statute.
- 295           6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the
- 296           Commission’s legal counsel or designee shall certify that the meeting may be closed
- 297           and shall reference each relevant exempting provision. The Commission shall keep
- 298           minutes which fully and clearly describe all matters discussed in a meeting and shall
- 299           provide a full and accurate summary of actions taken, and the reasons therefore,
- 300           including a description of the views expressed. All documents considered in
- 301           connection with an action shall be identified in such minutes. All minutes and
- 302           documents of a closed meeting shall remain under seal, subject to release by a
- 303           majority vote of the Commission or order of a court of competent jurisdiction.
- 304           C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules
- 305           to govern its conduct as may be necessary or appropriate to carry out the purposes and
- 306           exercise the powers of the Compact, including but not limited to:
- 307           1. Establishing the fiscal year of the Commission;
- 308           2. Providing reasonable standards and procedures:
- 309               a. for the establishment and meetings of other committees; and
- 310               b. governing any general or specific delegation of any authority or function of the
- 311               Commission;
- 312           3. Providing reasonable procedures for calling and conducting meetings of the
- 313           Commission, ensuring reasonable advance notice of all meetings and providing an
- 314           opportunity for attendance of such meetings by interested parties, with enumerated
- 315           exceptions designed to protect the public’s interest, the privacy of individuals, and
- 316           proprietary information, including trade secrets. The Commission may meet in closed
- 317           session only after a majority of the membership votes to close a meeting in whole or

- 318 in part. As soon as practicable, the Commission must make public a copy of the vote  
319 to close the meeting revealing the vote of each member with no proxy votes allowed;
- 320 4. Establishing the titles, duties and authority and reasonable procedures for the election  
321 of the officers of the Commission;
- 322 5. Providing reasonable standards and procedures for the establishment of the personnel  
323 policies and programs of the Commission. Notwithstanding any civil service or other  
324 similar laws of any Member State, the bylaws shall exclusively govern the personnel  
325 policies and programs of the Commission;
- 326 6. Promulgating a code of ethics to address permissible and prohibited activities of  
327 Commission members and employees;
- 328 7. Providing a mechanism for winding up the operations of the Commission and the  
329 equitable disposition of any surplus funds that may exist after the termination of the  
330 Compact after the payment and/or reserving of all of its debts and obligations;
- 331 8. The Commission shall publish its bylaws in a convenient form and file a copy thereof  
332 and a copy of any amendment thereto, with the appropriate agency or officer in each  
333 of the Member States.
- 334 9. The Commission shall maintain its financial records in accordance with the bylaws.
- 335 10. The Commission shall meet and take such actions as are consistent with the  
336 provisions of this Compact and the bylaws.
- 337 D. The Commission shall have the following powers:
- 338 1. The authority to promulgate uniform rules to facilitate and coordinate implementation  
339 and administration of this Compact. The rules shall have the force and effect of law  
340 and shall be binding in all Member States;

- 341 2. To bring and prosecute legal proceedings or actions in the name of the Commission,  
342 provided that the standing of any state EMS authority or other regulatory body  
343 responsible for EMS personnel licensure to sue or be sued under applicable law shall  
344 not be affected;
- 345 3. To purchase and maintain insurance and bonds;
- 346 4. To borrow, accept or contract for services of personnel, including, but not limited to,  
347 employees of a Member State;
- 348 5. To hire employees, elect or appoint officers, fix compensation, define duties, grant  
349 such individuals appropriate authority to carry out the purposes of the Compact, and  
350 to establish the Commission's personnel policies and programs relating to conflicts of  
351 interest, qualifications of personnel, and other related personnel matters;
- 352 6. To accept any and all appropriate donations and grants of money, equipment,  
353 supplies, materials and services, and to receive, utilize and dispose of the same;  
354 provided that at all times the Commission shall strive to avoid any appearance of  
355 impropriety and/or conflict of interest;
- 356 7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,  
357 hold, improve or use, any property, real, personal or mixed; provided that at all times  
358 the Commission shall strive to avoid any appearance of impropriety;
- 359 8. To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of  
360 any property real, personal or mixed;
- 361 9. To establish a budget and make expenditures;
- 362 10. To borrow money;

- 363 11. To appoint committees, including advisory committees comprised of Members, State  
364 regulators, State legislators or their representatives, and consumer representatives,  
365 and such other interested persons as may be designated in this Compact and the  
366 bylaws;
- 367 12. To provide and receive information from, and to cooperate with, law enforcement  
368 agencies;
- 369 13. To adopt and use an official seal; and
- 370 14. To perform such other functions as may be necessary or appropriate to achieve the  
371 purposes of this Compact consistent with the state regulation of EMS personnel  
372 licensure and practice.

373 E. Financing of the Commission

- 374 1. The Commission shall pay, or provide for the payment of the reasonable expenses of  
375 its establishment, organization and ongoing activities.
- 376 2. The Commission may accept any and all appropriate revenue sources, donations and  
377 grants of money, equipment, supplies, materials and services.
- 378 3. The Commission may levy on and collect an annual assessment from each Member  
379 State or impose fees on other parties to cover the cost of the operations and activities  
380 of the Commission and its staff which must be in a total amount sufficient to cover its  
381 annual budget as approved each year for which revenue is not provided by other  
382 sources. The aggregate annual assessment amount shall be allocated based upon a  
383 formula to be determined by the Commission which shall promulgate a rule binding  
384 upon all Member States.

- 385 4. The Commission shall not incur obligations of any kind prior to securing the funds  
386 adequate to meet the same; nor shall the Commission pledge the credit of any of the  
387 Member States, except by and with the authority of the Member State.
- 388 5. The Commission shall keep accurate accounts of all receipts and disbursements. The  
389 receipts and disbursements of the Commission shall be subject to the audit and  
390 accounting procedures established under its bylaws. However, all receipts and  
391 disbursements of funds handled by the Commission shall be audited yearly by a  
392 certified or licensed public accountant and the report of the audit shall be included in  
393 and become part of the annual report of the Commission.

394 F. Qualified Immunity, Defense, and Indemnification

- 395 1. The members, officers, Executive Director, employees and representatives of the  
396 Commission shall be immune from suit and liability, either personally or in their  
397 official capacity, for any claim for damage to or loss of property or personal injury or  
398 other civil liability caused by or arising out of any actual or alleged act, error or  
399 omission that occurred, or that the person against whom the claim is made had a  
400 reasonable basis for believing occurred within the scope of Commission employment,  
401 duties or responsibilities; provided that nothing in this paragraph shall be construed to  
402 protect any such person from suit and/or liability for any damage, loss, injury or  
403 liability caused by the intentional or willful or wanton misconduct of that person.
- 404 2. The Commission shall defend any member, officer, Executive Director, employee or  
405 representative of the Commission in any civil action seeking to impose liability  
406 arising out of any actual or alleged act, error or omission that occurred within the  
407 scope of Commission employment, duties or responsibilities, or that the person

408 against whom the claim is made had a reasonable basis for believing occurred within  
409 the scope of Commission employment, duties or responsibilities; provided that  
410 nothing herein shall be construed to prohibit that person from retaining his or her own  
411 counsel; and provided further, that the actual or alleged act, error or omission did not  
412 result from that person's intentional or willful or wanton misconduct.

413 3. The Commission shall indemnify and hold harmless any member, officer, Executive  
414 Director, employee or representative of the Commission for the amount of any  
415 settlement or judgment obtained against that person arising out of any actual or  
416 alleged act, error or omission that occurred within the scope of Commission  
417 employment, duties or responsibilities, or that such person had a reasonable basis for  
418 believing occurred within the scope of Commission employment, duties or  
419 responsibilities, provided that the actual or alleged act, error or omission did not  
420 result from the intentional or willful or wanton misconduct of that person.

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**ARTICLE XII**  
**RULEMAKING**

- A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.
- B. If a majority of the legislatures of the Member States rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any Member State.
- C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.
- D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:
  - 1. On the website of the Commission; and
  - 2. On the website of each Member State EMS authority or the publication in which each state would otherwise publish proposed rules.
- E. The Notice of Proposed Rulemaking shall include:
  - 1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
  - 2. The text of the proposed rule or amendment and the reason for the proposed rule;
  - 3. A request for comments on the proposed rule from any interested person; and
  - 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.



- 444 F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit  
445 written data, facts, opinions and arguments, which shall be made available to the public.
- 446 G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or  
447 amendment if a hearing is requested by:
- 448 1. At least twenty-five (25) persons;
  - 449 2. A governmental subdivision or agency; or
  - 450 3. An association having at least twenty-five (25) members.
- 451 H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the  
452 place, time, and date of the scheduled public hearing.
- 453 1. All persons wishing to be heard at the hearing shall notify the Executive Director of  
454 the Commission or other designated member in writing of their desire to appear and  
455 testify at the hearing not less than five (5) business days before the scheduled date of  
456 the hearing.
  - 457 2. Hearings shall be conducted in a manner providing each person who wishes to  
458 comment a fair and reasonable opportunity to comment orally or in writing.
  - 459 3. No transcript of the hearing is required, unless a written request for a transcript is  
460 made, in which case the person requesting the transcript shall bear the cost of  
461 producing the transcript. A recording may be made in lieu of a transcript under the  
462 same terms and conditions as a transcript. This subsection shall not preclude the  
463 Commission from making a transcript or recording of the hearing if it so chooses.
  - 464 4. Nothing in this section shall be construed as requiring a separate hearing on each rule.  
465 Rules may be grouped for the convenience of the Commission at hearings required by  
466 this section.

- 467 I. Following the scheduled hearing date, or by the close of business on the scheduled  
468 hearing date if the hearing was not held, the Commission shall consider all written and  
469 oral comments received.
- 470 J. The Commission shall, by majority vote of all members, take final action on the proposed  
471 rule and shall determine the effective date of the rule, if any, based on the rulemaking  
472 record and the full text of the rule.
- 473 K. If no written notice of intent to attend the public hearing by interested parties is received,  
474 the Commission may proceed with promulgation of the proposed rule without a public  
475 hearing.
- 476 L. Upon determination that an emergency exists, the Commission may consider and adopt  
477 an emergency rule without prior notice, opportunity for comment, or hearing, provided  
478 that the usual rulemaking procedures provided in the Compact and in this section shall be  
479 retroactively applied to the rule as soon as reasonably possible, in no event later than  
480 ninety (90) days after the effective date of the rule. For the purposes of this provision, an  
481 emergency rule is one that must be adopted immediately in order to:
- 482 1. Meet an imminent threat to public health, safety, or welfare;
  - 483 2. Prevent a loss of Commission or Member State funds;
  - 484 3. Meet a deadline for the promulgation of an administrative rule that is established by  
485 federal law or rule; or
  - 486 4. Protect public health and safety.
- 487 M. The Commission or an authorized committee of the Commission may direct revisions to  
488 a previously adopted rule or amendment for purposes of correcting typographical errors,  
489 errors in format, errors in consistency, or grammatical errors. Public notice of any

490 revisions shall be posted on the website of the Commission. The revision shall be subject  
491 to challenge by any person for a period of thirty (30) days after posting. The revision  
492 may be challenged only on grounds that the revision results in a material change to a rule.  
493 A challenge shall be made in writing, and delivered to the Chair of the Commission prior  
494 to the end of the notice period. If no challenge is made, the revision will take effect  
495 without further action. If the revision is challenged, the revision may not take effect  
496 without the approval of the Commission.

**ARTICLE XIII****OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

## A. Oversight

1. The executive, legislative and judicial branches of state government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.
2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.
3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

## B. Default, Technical Assistance, and Termination

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:
  - A. Provide written notice to the defaulting state and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and
  - B. Provide remedial training and specific technical assistance regarding the default.

- 519           2. If a state in default fails to cure the default, the defaulting state may be terminated  
520           from the Compact upon an affirmative vote of a majority of the Member States, and  
521           all rights, privileges and benefits conferred by this Compact may be terminated on the  
522           effective date of termination. A cure of the default does not relieve the offending state  
523           of obligations or liabilities incurred during the period of default.
- 524           3. Termination of membership in the Compact shall be imposed only after all other  
525           means of securing compliance have been exhausted. Notice of intent to suspend or  
526           terminate shall be given by the Commission to the Governor, the majority and  
527           minority leaders of the defaulting state's legislature, and each of the Member States.
- 528           4. A state which has been terminated is responsible for all assessments, obligations and  
529           liabilities incurred through the effective date of termination, including obligations  
530           which extend beyond the effective date of termination.
- 531           5. The Commission shall not bear any costs related to a state which is found to be in  
532           default or which has been terminated from the Compact, unless agreed upon in  
533           writing between the Commission and the defaulting state.
- 534           6. The defaulting state may appeal the action of the Commission by petitioning the U.S.  
535           District Court for the District of Columbia or the federal district where the Compact  
536           has its principal offices. The prevailing member shall be awarded all costs of such  
537           litigation, including reasonable attorney's fees.

538           C. Dispute Resolution

- 539           1. Upon request by a Member State, the Commission shall attempt to resolve disputes  
540           related to the Compact which arise among Member States and between member and  
541           non-Member States.

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

544       D. Enforcement

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

547           2. By majority vote, the Commission may initiate legal action in the United States  
548           District Court for the District of Columbia or the federal district where the Compact  
549           has its principal offices against a Member State in default to enforce compliance with  
550           the provisions of the Compact and its promulgated rules and bylaws. The relief  
551           sought may include both injunctive relief and damages. In the event judicial  
552           enforcement is necessary, the prevailing member shall be awarded all costs of such  
553           litigation, including reasonable attorney's fees.

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

**ARTICLE XIV****DATE OF IMPLEMENTATION OF EMS PERSONNEL LICENSURE INTERSTATE  
COMPACT AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

- A. The Compact shall come into effect on the date on which the Compact is enacted into law in the tenth Member State. The provisions which become effective at that time shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.
- B. Any state which joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule which has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.
- C. Any Member State may withdraw from this Compact by enacting a statute repealing the same.
1. A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.
  2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.
- E. Nothing contained in this Compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a Member State and a non-Member State which does not conflict with the provisions of this Compact.

579        F. This Compact may be amended by the Member States. No amendment to this Compact  
580                shall become effective and binding upon any Member State until it is enacted into the  
581                laws of all Member States.



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**ARTICLE XV**

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**CONSTRUCTION AND SEVERABILITY**

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This Compact shall be liberally construed so as to effectuate the purposes thereof. If this

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Compact shall be held contrary to the constitution of any state member thereto, the Compact

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shall remain in full force and effect as to the remaining Member States. Nothing in this Compact

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supersedes state law or rules related to licensure of EMS agencies.