

Lessons Learned from EMAC



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Brief EMAC Background

- 1993: Southern Regional Emergency Management Assistance Compact (SREMAC)
- 1995: SREMAC becomes EMAC
- 1995: EMAC Operations Sub-Committee under NEMA Response & Recovery Committee (governance authority)
- 1995: NEMA became EMAC administration
 - Need \$ to support a National Compact
- 1996: EMAC Executive Task Force Established (daily oversight)

**Administered &
Financed
By States**



Brief EMAC Background

- 2005: EMAC Advisory Committee formed
- 2006: Established EMAC Committee as Stand-Alone under NEMA (governance authority replaced Opns Sub-Committee)

All EMAC Member States Agree to Follow Procedures/Policies established by EMAC Committee



Licensure Reciprocity

EMAC Law: Simple / Clear Language:

ARTICLE V - LICENSES AND PERMITS

“Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the Requesting State may prescribe by executive order or otherwise.”



Discussion on Legal Authority

- There must be a legal authority that allows for the deployment of personnel.
- You must look at it from an operational view – what are the legal triggers for the deployment?
- EMAC developed the legal authority to meet the operational expectations – cannot do one without the other!

License Reciprocity Does Not Grant Full Legal Protection To Practice in Other Jurisdictions

EMS Deployments through EMAC

- Long History of EMS Deployments through EMAC
- Questions on standards of practice differences
- No issues with license reciprocity
- Hurricane Sandy
 - 551 personnel
 - MD, PA, VT, IN to NJ
- Hurricane Irene
 - 162 personnel
 - PA to NJ
 - NH/ME to VT



Compact Focal Points & Recommendations

- Commission Administration Plan
 - Who will be the lead national organization?
 - Composition of the commission?
 - “Backbone” needed to resolve issues? States aren’t willing to legislate arbitration to a third party.
 - Permanent funding needed beyond the first 18 months.
- Operationalizing the Compact
 - Who activates? Mechanisms?
 - Plans/Protocols/Procedures/Policies
 - Include specific responsibilities on signatory states and identify the official responsible for implementing the Compact requirements and maintaining an operational state of readiness.

Compact Focal Points & Recommendations

- Activation triggers ? When will the EMS Compact be operationalized and by which legally identified state authority for:
 - Routine - Day to Day usage
 - Emergencies/Disasters Under EMAC – (cite EMAC as the legal mechanism for deploying following governor’s declaration)
 - ✦ No EMAC provisions applied retroactively to pre-disaster declaration deployments
- Page 4 “Automatic Reciprocity” – would like to see language that recognizes EMAC does this.
- Federal – Is there a need by states to worry about licensure reciprocity for federal employees? Do states have authority to legislate medical licensing/performance standards for federal personnel?
- Malpractice/Tort Liability?
- Malpractice Insurance coverage?
- Resource Provider’s reimbursement?
- Workers Compensation (public/volunteer/private coverage)?



Tips on Creating an Interstate Compact

- Establish thresholds for activating compact provisions
 - Day-to-day routine need for additional resources
 - Emergencies not declared by governor (non-EMAC)
 - Major emergencies/disasters declared by governor (EMAC) – **Recommend clear language that with a declaration the deployment mechanism is EMAC.**
- Enact legal authority to deploy personnel outside day-to-day jurisdiction based on established planning thresholds
- Create draft legislation based on anticipated planning assumptions (coordinated between emergency response & legal personnel)



Tips on Creating an Interstate Compact

- Identify state EMS official (positionally) who will be responsible for implementing compact, requesting & offering resources, etc.
- Define standardized state roles and responsibilities in terms of activities required to maintain operational readiness (i.e., planning, procedures, MRPs, training, exercising, etc.)
- Define authority & responsibility for providing tort liability protection, immunity, and workers compensation for resource provider & deployed personnel.
- Define reimbursement obligations for Resource Providers & Requesting States.



QUESTIONS ?

NEMA/EMAC Would Like to Stay Engaged &
Review Draft Compact Language



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