

1-1 By: Zerwas, Martinez (Senate Sponsor - Eltife) H.B. No. 2498  
 1-2 (In the Senate - Received from the House May 13, 2015;  
 1-3 May 14, 2015, read first time and referred to Committee on Health  
 1-4 and Human Services; May 22, 2015, reported favorably by the  
 1-5 following vote: Yeas 8, Nays 1; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to a compact with other states regarding the licensure of  
 1-20 emergency medical services personnel and the authority of those  
 1-21 personnel to perform job duties in this state and other states.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle B, Title 9, Health and Safety Code, is  
 1-24 amended by adding Chapter 778A to read as follows:

1-25 CHAPTER 778A. RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL  
 1-26 LICENSURE INTERSTATE COMPACT ("REPLICA")

1-27 Sec. 778A.001. EXECUTION OF INTERSTATE COMPACT. This  
 1-28 state enacts the EMS Personnel Licensure Interstate Compact and  
 1-29 enters into the compact with all other states legally joining in the  
 1-30 compact in substantially the following form:

1-31 EMS PERSONNEL LICENSURE INTERSTATE COMPACT.

1-32 Section 1. PURPOSE. In order to protect the public through  
 1-33 verification of competency and ensure accountability for patient  
 1-34 care related activities all states license emergency medical  
 1-35 services (EMS) personnel, such as emergency medical technicians  
 1-36 (EMTs), advanced EMTs and paramedics. This compact is intended to  
 1-37 facilitate the day to day movement of EMS personnel across state  
 1-38 boundaries in the performance of their EMS duties as assigned by an  
 1-39 appropriate authority and authorize state EMS offices to afford  
 1-40 immediate legal recognition to EMS personnel licensed in a member  
 1-41 state. This compact recognizes that states have a vested interest  
 1-42 in protecting the public's health and safety through their  
 1-43 licensing and regulation of EMS personnel and that such state  
 1-44 regulation shared among the member states will best protect public  
 1-45 health and safety. This compact is designed to achieve the  
 1-46 following purposes and objectives:

- 1-47 1. increase public access to EMS personnel;
- 1-48 2. enhance the states' ability to protect the public's  
 1-49 health and safety, especially patient safety;
- 1-50 3. encourage the cooperation of member states in the areas  
 1-51 of EMS personnel licensure and regulation;
- 1-52 4. support licensing of military members who are separating  
 1-53 from an active duty tour and their spouses;
- 1-54 5. facilitate the exchange of information between member  
 1-55 states regarding EMS personnel licensure, adverse action and  
 1-56 significant investigatory information;
- 1-57 6. promote compliance with the laws governing EMS personnel  
 1-58 practice in each member state; and
- 1-59 7. invest all member states with the authority to hold EMS  
 1-60 personnel accountable through the mutual recognition of member  
 1-61 state licenses.

2-1 Section 2. DEFINITIONS. In this compact:

2-2 A. "Advanced emergency medical technician (AEMT)" means: an  
 2-3 individual licensed with cognitive knowledge and a scope of  
 2-4 practice that corresponds to that level in the National EMS  
 2-5 Education Standards and National EMS Scope of Practice Model.

2-6 B. "Adverse action" means: any administrative, civil,  
 2-7 equitable or criminal action permitted by a state's laws which may  
 2-8 be imposed against licensed EMS personnel by a state EMS authority  
 2-9 or state court, including, but not limited to, actions against an  
 2-10 individual's license such as revocation, suspension, probation,  
 2-11 consent agreement, monitoring or other limitation or encumbrance on  
 2-12 the individual's practice, letters of reprimand or admonition,  
 2-13 fines, criminal convictions and state court judgments enforcing  
 2-14 adverse actions by the state EMS authority.

2-15 C. "Alternative program" means: a voluntary,  
 2-16 non-disciplinary substance abuse recovery program approved by a  
 2-17 state EMS authority.

2-18 D. "Certification" means: the successful verification of  
 2-19 entry-level cognitive and psychomotor competency using a reliable,  
 2-20 validated, and legally defensible examination.

2-21 E. "Commission" means: the national administrative body of  
 2-22 which all states that have enacted the compact are members.

2-23 F. "Emergency medical technician (EMT)" means: an  
 2-24 individual licensed with cognitive knowledge and a scope of  
 2-25 practice that corresponds to that level in the National EMS  
 2-26 Education Standards and National EMS Scope of Practice Model.

2-27 G. "Home state" means: a member state where an individual is  
 2-28 licensed to practice emergency medical services.

2-29 H. "License" means: the authorization by a state for an  
 2-30 individual to practice as an EMT, AEMT, paramedic, or a level in  
 2-31 between EMT and paramedic.

2-32 I. "Medical director" means: a physician licensed in a  
 2-33 member state who is accountable for the care delivered by EMS  
 2-34 personnel.

2-35 J. "Member state" means: a state that has enacted this  
 2-36 compact.

2-37 K. "Privilege to practice" means: an individual's authority  
 2-38 to deliver emergency medical services in remote states as  
 2-39 authorized under this compact.

2-40 L. "Paramedic" means: an individual licensed with cognitive  
 2-41 knowledge and a scope of practice that corresponds to that level in  
 2-42 the National EMS Education Standards and National EMS Scope of  
 2-43 Practice Model.

2-44 M. "Remote state" means: a member state in which an  
 2-45 individual is not licensed.

2-46 N. "Restricted" means: the outcome of an adverse action that  
 2-47 limits a license or the privilege to practice.

2-48 O. "Rule" means: a written statement by the interstate  
 2-49 commission promulgated pursuant to Section 12 of this compact that  
 2-50 is of general applicability; implements, interprets, or prescribes  
 2-51 a policy or provision of the compact; or is an organizational,  
 2-52 procedural, or practice requirement of the commission and has the  
 2-53 force and effect of statutory law in a member state and includes the  
 2-54 amendment, repeal, or suspension of an existing rule.

2-55 P. "Scope of practice" means: defined parameters of various  
 2-56 duties or services that may be provided by an individual with  
 2-57 specific credentials. Whether regulated by rule, statute, or court  
 2-58 decision, it tends to represent the limits of services an  
 2-59 individual may perform.

2-60 Q. "Significant investigatory information" means:

2-61 1. investigative information that a state EMS  
 2-62 authority, after a preliminary inquiry that includes notification  
 2-63 and an opportunity to respond if required by state law, has reason  
 2-64 to believe, if proved true, would result in the imposition of an  
 2-65 adverse action on a license or privilege to practice; or

2-66 2. investigative information that indicates that the  
 2-67 individual represents an immediate threat to public health and  
 2-68 safety regardless of whether the individual has been notified and  
 2-69 had an opportunity to respond.

3-1           R. "State" means: any state, commonwealth, district, or  
3-2 territory of the United States.

3-3           S. "State EMS authority" means: the board, office, or other  
3-4 agency with the legislative mandate to license EMS personnel.

3-5           Section 3. HOME STATE LICENSURE. A. Any member state in  
3-6 which an individual holds a current license shall be deemed a home  
3-7 state for purposes of this compact.

3-8           B. Any member state may require an individual to obtain and  
3-9 retain a license to be authorized to practice in the member state  
3-10 under circumstances not authorized by the privilege to practice  
3-11 under the terms of this compact.

3-12           C. A home state's license authorizes an individual to  
3-13 practice in a remote state under the privilege to practice only if  
3-14 the home state:

3-15           1. currently requires the use of the National Registry  
3-16 of Emergency Medical Technicians (NREMT) examination as a condition  
3-17 of issuing initial licenses at the EMT and paramedic levels;

3-18           2. has a mechanism in place for receiving and  
3-19 investigating complaints about individuals;

3-20           3. notifies the commission, in compliance with the  
3-21 terms herein, of any adverse action or significant investigatory  
3-22 information regarding an individual;

3-23           4. no later than five years after activation of the  
3-24 compact, requires a criminal background check of all applicants for  
3-25 initial licensure, including the use of the results of fingerprint  
3-26 or other biometric data checks compliant with the requirements of  
3-27 the Federal Bureau of Investigation with the exception of federal  
3-28 employees who have suitability determination in accordance with 5  
3-29 C.F.R. Section 731.202 and submit documentation of such as  
3-30 promulgated in the rules of the commission; and

3-31           5. complies with the rules of the commission.

3-32           Section 4. COMPACT PRIVILEGE TO PRACTICE. A. Member states  
3-33 shall recognize the privilege to practice of an individual licensed  
3-34 in another member state that is in conformance with Section 3.

3-35           B. To exercise the privilege to practice under the terms and  
3-36 provisions of this compact, an individual must:

3-37           1. be at least 18 years of age;

3-38           2. possess a current unrestricted license in a member  
3-39 state as an EMT, AEMT, paramedic, or state recognized and licensed  
3-40 level with a scope of practice and authority between EMT and  
3-41 paramedic; and

3-42           3. practice under the supervision of a medical  
3-43 director.

3-44           C. An individual providing patient care in a remote state  
3-45 under the privilege to practice shall function within the scope of  
3-46 practice authorized by the home state unless and until modified by  
3-47 an appropriate authority in the remote state as may be defined in  
3-48 the rules of the commission.

3-49           D. Except as provided in Section 4.C. of this compact, an  
3-50 individual practicing in a remote state will be subject to the  
3-51 remote state's authority and laws. A remote state may, in  
3-52 accordance with due process and that state's laws, restrict,  
3-53 suspend, or revoke an individual's privilege to practice in the  
3-54 remote state and may take any other necessary actions to protect the  
3-55 health and safety of its citizens. If a remote state takes action it  
3-56 shall promptly notify the home state and the commission.

3-57           E. If an individual's license in any home state is  
3-58 restricted or suspended, the individual shall not be eligible to  
3-59 practice in a remote state under the privilege to practice until the  
3-60 individual's home state license is restored.

3-61           F. If an individual's privilege to practice in any remote  
3-62 state is restricted, suspended, or revoked the individual shall not  
3-63 be eligible to practice in any remote state until the individual's  
3-64 privilege to practice is restored.

3-65           Section 5. CONDITIONS OF PRACTICE IN A REMOTE STATE. An  
3-66 individual may practice in a remote state under a privilege to  
3-67 practice only in the performance of the individual's EMS duties as  
3-68 assigned by an appropriate authority, as defined in the rules of the  
3-69 commission, and under the following circumstances:

4-1 1. the individual originates a patient transport in a home  
 4-2 state and transports the patient to a remote state;

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

4-6 3. the individual enters a remote state to provide patient  
 4-7 care and/or transport within that remote state;

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

4-10 5. other conditions as determined by rules promulgated by  
 4-11 the commission.

4-12 Section 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE  
 4-13 COMPACT. Upon a member state's governor's declaration of a state of  
 4-14 emergency or disaster that activates the Emergency Management  
 4-15 Assistance Compact (EMAC), all relevant terms and provisions of  
 4-16 EMAC shall apply and to the extent any terms or provisions of this  
 4-17 compact conflicts with EMAC, the terms of EMAC shall prevail with  
 4-18 respect to any individual practicing in the remote state in  
 4-19 response to such declaration.

4-20 Section 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE  
 4-21 DUTY MILITARY, AND THEIR SPOUSES. A. Member states shall consider  
 4-22 a veteran, active military service member, and member of the  
 4-23 National Guard and Reserves separating from an active duty tour,  
 4-24 and a spouse thereof, who holds a current valid and unrestricted  
 4-25 NREMT certification at or above the level of the state license being  
 4-26 sought as satisfying the minimum training and examination  
 4-27 requirements for such licensure.

4-28 B. Member states shall expedite the processing of licensure  
 4-29 applications submitted by veterans, active military service  
 4-30 members, and members of the National Guard and Reserves separating  
 4-31 from an active duty tour, and their spouses.

4-32 C. All individuals functioning with a privilege to practice  
 4-33 under this section remain subject to the adverse actions provisions  
 4-34 of Section 8 of this compact.

4-35 Section 8. ADVERSE ACTIONS. A. A home state shall have  
 4-36 exclusive power to impose adverse action against an individual's  
 4-37 license issued by the home state.

4-38 B. If an individual's license in any home state is  
 4-39 restricted or suspended, the individual shall not be eligible to  
 4-40 practice in a remote state under the privilege to practice until the  
 4-41 individual's home state license is restored.

4-42 1. All home state adverse action orders shall include  
 4-43 a statement that the individual's compact privileges are inactive.  
 4-44 The order may allow the individual to practice in remote states with  
 4-45 prior written authorization from both the home state and remote  
 4-46 state's EMS authority.

4-47 2. An individual currently subject to adverse action  
 4-48 in the home state shall not practice in any remote state without  
 4-49 prior written authorization from both the home state and remote  
 4-50 state's EMS authority.

4-51 C. A member state shall report adverse actions and any  
 4-52 occurrences that the individual's compact privileges are  
 4-53 restricted, suspended, or revoked to the commission in accordance  
 4-54 with the rules of the commission.

4-55 D. A remote state may take adverse action on an individual's  
 4-56 privilege to practice within that state.

4-57 E. Any member state may take adverse action against an  
 4-58 individual's privilege to practice in that state based on the  
 4-59 factual findings of another member state, so long as each state  
 4-60 follows its own procedures for imposing such adverse action.

4-61 F. A home state's EMS authority shall investigate and take  
 4-62 appropriate action with respect to reported conduct in a remote  
 4-63 state as it would if such conduct had occurred within the home  
 4-64 state. In such cases, the home state's law shall control in  
 4-65 determining the appropriate adverse action.

4-66 G. Nothing in this compact shall override a member state's  
 4-67 decision that participation in an alternative program may be used  
 4-68 in lieu of adverse action and that such participation shall remain  
 4-69 non-public if required by the member state's laws. Member states

5-1 must require individuals who enter any alternative programs to  
 5-2 agree not to practice in any other member state during the term of  
 5-3 the alternative program without prior authorization from such other  
 5-4 member state.

5-5 Section 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S  
 5-6 EMS AUTHORITY. A member state's EMS authority, in addition to any  
 5-7 other powers granted under state law, is authorized under this  
 5-8 compact to:

5-9 1. issue subpoenas for both hearings and investigations  
 5-10 that require the attendance and testimony of witnesses and the  
 5-11 production of evidence; subpoenas issued by a member state's EMS  
 5-12 authority for the attendance and testimony of witnesses, and/or the  
 5-13 production of evidence from another member state, shall be enforced  
 5-14 in the remote state by any court of competent jurisdiction,  
 5-15 according to that court's practice and procedure in considering  
 5-16 subpoenas issued in its own proceedings; the issuing state EMS  
 5-17 authority shall pay any witness fees, travel expenses, mileage, and  
 5-18 other fees required by the service statutes of the state where the  
 5-19 witnesses and/or evidence are located; and

5-20 2. issue cease and desist orders to restrict, suspend, or  
 5-21 revoke an individual's privilege to practice in the state.

5-22 Section 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR  
 5-23 EMS PERSONNEL PRACTICE. A. The compact states hereby create and  
 5-24 establish a joint public agency known as the Interstate Commission  
 5-25 for EMS Personnel Practice.

5-26 1. The commission is a body politic and an  
 5-27 instrumentality of the compact states.

5-28 2. Venue is proper and judicial proceedings by or  
 5-29 against the commission shall be brought solely and exclusively in a  
 5-30 court of competent jurisdiction where the principal office of the  
 5-31 commission is located. The commission may waive venue and  
 5-32 jurisdictional defenses to the extent it adopts or consents to  
 5-33 participate in alternative dispute resolution proceedings.

5-34 3. Nothing in this compact shall be construed to be a  
 5-35 waiver of sovereign immunity.

5-36 B. Membership, Voting, and Meetings. 1. Each member state  
 5-37 shall have and be limited to one delegate. The responsible official  
 5-38 of the state EMS authority or his designee shall be the delegate to  
 5-39 this compact for each member state. Any delegate may be removed or  
 5-40 suspended from office as provided by the law of the state from which  
 5-41 the delegate is appointed. Any vacancy occurring in the commission  
 5-42 shall be filled in accordance with the laws of the member state in  
 5-43 which the vacancy exists. In the event that more than one board,  
 5-44 office, or other agency with the legislative mandate to license EMS  
 5-45 personnel at and above the level of EMT exists, the governor of the  
 5-46 state will determine which entity will be responsible for assigning  
 5-47 the delegate.

5-48 2. Each delegate shall be entitled to one vote with  
 5-49 regard to the promulgation of rules and creation of bylaws and shall  
 5-50 otherwise have an opportunity to participate in the business and  
 5-51 affairs of the commission. A delegate shall vote in person or by  
 5-52 such other means as provided in the bylaws. The bylaws may provide  
 5-53 for delegates' participation in meetings by telephone or other  
 5-54 means of communication.

5-55 3. The commission shall meet at least once during each  
 5-56 calendar year. Additional meetings shall be held as set forth in the  
 5-57 bylaws.

5-58 4. All meetings shall be open to the public, and public  
 5-59 notice of meetings shall be given in the same manner as required  
 5-60 under the rulemaking provisions in Section 12 of this compact.

5-61 5. The commission may convene in a closed, non-public  
 5-62 meeting if the commission must discuss:

5-63 a. non-compliance of a member state with its  
 5-64 obligations under the compact;

5-65 b. the employment, compensation, discipline or  
 5-66 other personnel matters, practices or procedures related to  
 5-67 specific employees or other matters related to the commission's  
 5-68 internal personnel practices and procedures;

5-69 c. current, threatened, or reasonably

6-1 anticipated litigation;  
6-2 d. negotiation of contracts for the purchase or  
6-3 sale of goods, services, or real estate;  
6-4 e. accusing any person of a crime or formally  
6-5 censuring any person;  
6-6 f. disclosure of trade secrets or commercial or  
6-7 financial information that is privileged or confidential;  
6-8 g. disclosure of information of a personal nature  
6-9 where disclosure would constitute a clearly unwarranted invasion of  
6-10 personal privacy;  
6-11 h. disclosure of investigatory records compiled  
6-12 for law enforcement purposes;  
6-13 i. disclosure of information related to any  
6-14 investigatory reports prepared by or on behalf of or for use of the  
6-15 commission or other committee charged with responsibility of  
6-16 investigation or determination of compliance issues pursuant to the  
6-17 compact; or  
6-18 j. matters specifically exempted from disclosure  
6-19 by federal or member state statute.  
6-20 6. If a meeting, or portion of a meeting, is closed  
6-21 pursuant to this section, the commission's legal counsel or  
6-22 designee shall certify that the meeting may be closed and shall  
6-23 reference each relevant exempting provision. The commission shall  
6-24 keep minutes that fully and clearly describe all matters discussed  
6-25 in a meeting and shall provide a full and accurate summary of  
6-26 actions taken, and the reasons therefore, including a description  
6-27 of the views expressed. All documents considered in connection with  
6-28 an action shall be identified in such minutes. All minutes and  
6-29 documents of a closed meeting shall remain under seal, subject to  
6-30 release by a majority vote of the commission or order of a court of  
6-31 competent jurisdiction.  
6-32 C. The commission shall, by a majority vote of the  
6-33 delegates, prescribe bylaws and/or rules to govern its conduct as  
6-34 may be necessary or appropriate to carry out the purposes and  
6-35 exercise the powers of the compact, including but not limited to:  
6-36 1. establishing the fiscal year of the commission;  
6-37 2. providing reasonable standards and procedures:  
6-38 a. for the establishment and meetings of other  
6-39 committees; and  
6-40 b. governing any general or specific delegation  
6-41 of any authority or function of the commission;  
6-42 3. providing reasonable procedures for calling and  
6-43 conducting meetings of the commission, ensuring reasonable advance  
6-44 notice of all meetings, and providing an opportunity for attendance  
6-45 of such meetings by interested parties, with enumerated exceptions  
6-46 designed to protect the public's interest, the privacy of  
6-47 individuals, and proprietary information, including trade secrets.  
6-48 The commission may meet in closed session only after a majority of  
6-49 the membership votes to close a meeting in whole or in part. As soon  
6-50 as practicable, the commission must make public a copy of the vote  
6-51 to close the meeting revealing the vote of each member with no proxy  
6-52 votes allowed;  
6-53 4. establishing the titles, duties and authority, and  
6-54 reasonable procedures for the election of the officers of the  
6-55 commission;  
6-56 5. providing reasonable standards and procedures for  
6-57 the establishment of the personnel policies and programs of the  
6-58 commission; notwithstanding any civil service or other similar laws  
6-59 of any member state, the bylaws shall exclusively govern the  
6-60 personnel policies and programs of the commission;  
6-61 6. promulgating a code of ethics to address  
6-62 permissible and prohibited activities of commission members and  
6-63 employees;  
6-64 7. providing a mechanism for winding up the operations  
6-65 of the commission and the equitable disposition of any surplus  
6-66 funds that may exist after the termination of the compact after the  
6-67 payment and/or reserving of all of its debts and obligations;  
6-68 8. the commission shall publish its bylaws and file a  
6-69 copy thereof, and a copy of any amendment thereto, with the

7-1 appropriate agency or officer in each of the member states, if any;  
7-2 9. the commission shall maintain its financial records  
7-3 in accordance with the bylaws; and  
7-4 10. the commission shall meet and take such actions as  
7-5 are consistent with the provisions of this compact and the bylaws.  
7-6 D. The commission shall have the following powers:  
7-7 1. the authority to promulgate uniform rules to  
7-8 facilitate and coordinate implementation and administration of  
7-9 this compact; the rules shall have the force and effect of law and  
7-10 shall be binding in all member states;  
7-11 2. to bring and prosecute legal proceedings or actions  
7-12 in the name of the commission, provided that the standing of any  
7-13 state EMS authority or other regulatory body responsible for EMS  
7-14 personnel licensure to sue or be sued under applicable law shall not  
7-15 be affected;  
7-16 3. to purchase and maintain insurance and bonds;  
7-17 4. to borrow, accept, or contract for services of  
7-18 personnel, including, but not limited to, employees of a member  
7-19 state;  
7-20 5. to hire employees, elect or appoint officers, fix  
7-21 compensation, define duties, grant such individuals appropriate  
7-22 authority to carry out the purposes of the compact, and to establish  
7-23 the commission's personnel policies and programs relating to  
7-24 conflicts of interest, qualifications of personnel, and other  
7-25 related personnel matters;  
7-26 6. to accept any and all appropriate donations and  
7-27 grants of money, equipment, supplies, materials and services, and  
7-28 to receive, utilize and dispose of the same; provided that at all  
7-29 times the commission shall strive to avoid any appearance of  
7-30 impropriety and/or conflict of interest;  
7-31 7. to lease, purchase, accept appropriate gifts or  
7-32 donations of, or otherwise to own, hold, improve or use, any  
7-33 property, real, personal or mixed; provided that at all times the  
7-34 commission shall strive to avoid any appearance of impropriety;  
7-35 8. to sell convey, mortgage, pledge, lease, exchange,  
7-36 abandon, or otherwise dispose of any property real, personal, or  
7-37 mixed;  
7-38 9. to establish a budget and make expenditures;  
7-39 10. to borrow money;  
7-40 11. to appoint committees, including advisory  
7-41 committees comprised of members, state regulators, state  
7-42 legislators or their representatives, and consumer  
7-43 representatives, and such other interested persons as may be  
7-44 designated in this compact and the bylaws;  
7-45 12. to provide and receive information from, and to  
7-46 cooperate with, law enforcement agencies;  
7-47 13. to adopt and use an official seal; and  
7-48 14. to perform such other functions as may be  
7-49 necessary or appropriate to achieve the purposes of this compact  
7-50 consistent with the state regulation of EMS personnel licensure and  
7-51 practice.  
7-52 E. Financing of the Commission. 1. The commission shall  
7-53 pay, or provide for the payment of, the reasonable expenses of its  
7-54 establishment, organization, and ongoing activities.  
7-55 2. The commission may accept any and all appropriate  
7-56 revenue sources, donations, and grants of money, equipment,  
7-57 supplies, materials, and services.  
7-58 3. The commission may levy on and collect an annual  
7-59 assessment from each member state or impose fees on other parties to  
7-60 cover the cost of the operations and activities of the commission  
7-61 and its staff, which must be in a total amount sufficient to cover  
7-62 its annual budget as approved each year for which revenue is not  
7-63 provided by other sources. The aggregate annual assessment amount  
7-64 shall be allocated based upon a formula to be determined by the  
7-65 commission, which shall promulgate a rule binding upon all member  
7-66 states.  
7-67 4. The commission shall not incur obligations of any  
7-68 kind prior to securing the funds adequate to meet the same; nor  
7-69 shall the commission pledge the credit of any of the member states,

8-1 except by and with the authority of the member state.

8-2 5. The commission shall keep accurate accounts of all  
 8-3 receipts and disbursements. The receipts and disbursements of the  
 8-4 commission shall be subject to the audit and accounting procedures  
 8-5 established under its bylaws. However, all receipts and  
 8-6 disbursements of funds handled by the commission shall be audited  
 8-7 yearly by a certified or licensed public accountant, and the report  
 8-8 of the audit shall be included in and become part of the annual  
 8-9 report of the commission.

8-10 F. Qualified Immunity, Defense, and Indemnification. 1.  
 8-11 The members, officers, executive director, employees and  
 8-12 representatives of the commission shall be immune from suit and  
 8-13 liability, either personally or in their official capacity, for any  
 8-14 claim for damage to or loss of property or personal injury or other  
 8-15 civil liability caused by or arising out of any actual or alleged  
 8-16 act, error, or omission that occurred, or that the person against  
 8-17 whom the claim is made had a reasonable basis for believing occurred  
 8-18 within the scope of commission employment, duties, or  
 8-19 responsibilities; provided that nothing in this paragraph shall be  
 8-20 construed to protect any such person from suit and/or liability for  
 8-21 any damage, loss, injury, or liability caused by the intentional or  
 8-22 willful or wanton misconduct of that person.

8-23 2. The commission shall defend any member, officer,  
 8-24 executive director, employee or representative of the commission in  
 8-25 any civil action seeking to impose liability arising out of any  
 8-26 actual or alleged act, error, or omission that occurred within the  
 8-27 scope of commission employment, duties, or responsibilities, or  
 8-28 that the person against whom the claim is made had a reasonable  
 8-29 basis for believing occurred within the scope of commission  
 8-30 employment, duties, or responsibilities; provided that nothing  
 8-31 herein shall be construed to prohibit that person from retaining  
 8-32 his or her own counsel; and provided further, that the actual or  
 8-33 alleged act, error, or omission did not result from that person's  
 8-34 intentional or willful or wanton misconduct.

8-35 3. The commission shall indemnify and hold harmless  
 8-36 any member, officer, executive director, employee, or  
 8-37 representative of the commission for the amount of any settlement  
 8-38 or judgment obtained against that person arising out of any actual  
 8-39 or alleged act, error or omission that occurred within the scope of  
 8-40 commission employment, duties, or responsibilities, or that such  
 8-41 person had a reasonable basis for believing occurred within the  
 8-42 scope of commission employment, duties, or responsibilities,  
 8-43 provided that the actual or alleged act, error, or omission did not  
 8-44 result from the intentional or willful or wanton misconduct of that  
 8-45 person.

8-46 Section 11. COORDINATED DATABASE. A. The commission shall  
 8-47 provide for the development and maintenance of a coordinated  
 8-48 database and reporting system containing licensure, adverse  
 8-49 action, and significant investigatory information on all licensed  
 8-50 individuals in member states.

8-51 B. Notwithstanding any other provision of state law to the  
 8-52 contrary, a member state shall submit a uniform data set to the  
 8-53 coordinated database on all individuals to whom this compact is  
 8-54 applicable as required by the rules of the commission, including:

8-55 1. identifying information;  
 8-56 2. licensure data;  
 8-57 3. significant investigatory information;  
 8-58 4. adverse actions against an individual's license;  
 8-59 5. an indicator that an individual's privilege to  
 8-60 practice is restricted, suspended or revoked;  
 8-61 6. non-confidential information related to  
 8-62 alternative program participation;  
 8-63 7. any denial of application for licensure, and the  
 8-64 reason or reasons for such denial; and  
 8-65 8. other information that may facilitate the  
 8-66 administration of this compact, as determined by the rules of the  
 8-67 commission.

8-68 C. The coordinated database administrator shall promptly  
 8-69 notify all member states of any adverse action taken against, or

9-1 significant investigative information on, any individual in a  
 9-2 member state.

9-3 D. Member states contributing information to the  
 9-4 coordinated database may designate information that may not be  
 9-5 shared with the public without the express permission of the  
 9-6 contributing state.

9-7 E. Any information submitted to the coordinated database  
 9-8 that is subsequently required to be expunged by the laws of the  
 9-9 member state contributing the information shall be removed from the  
 9-10 coordinated database.

9-11 Section 12. RULEMAKING. A. The commission shall exercise  
 9-12 its rulemaking powers pursuant to the criteria set forth in this  
 9-13 section and the rules adopted thereunder. Rules and amendments  
 9-14 shall become binding as of the date specified in each rule or  
 9-15 amendment.

9-16 B. If a majority of the legislatures of the member states  
 9-17 rejects a rule, by enactment of a statute or resolution in the same  
 9-18 manner used to adopt the compact, then such rule shall have no  
 9-19 further force and effect in any member state.

9-20 C. Rules or amendments to the rules shall be adopted at a  
 9-21 regular or special meeting of the commission.

9-22 D. Prior to promulgation and adoption of a final rule or  
 9-23 rules by the commission, and at least 60 days in advance of the  
 9-24 meeting at which the rule will be considered and voted upon, the  
 9-25 commission shall file a notice of proposed rulemaking:

9-26 1. on the website of the commission; and  
 9-27 2. on the website of each member state EMS authority or  
 9-28 the publication in which each state would otherwise publish  
 9-29 proposed rules.

9-30 E. The notice of proposed rulemaking shall include:

9-31 1. the proposed time, date, and location of the  
 9-32 meeting in which the rule will be considered and voted upon;

9-33 2. the text of the proposed rule or amendment and the  
 9-34 reason for the proposed rule;

9-35 3. a request for comments on the proposed rule from any  
 9-36 interested person; and

9-37 4. the manner in which interested persons may submit  
 9-38 notice to the commission of their intention to attend the public  
 9-39 hearing and any written comments.

9-40 F. Prior to adoption of a proposed rule, the commission  
 9-41 shall allow persons to submit written data, facts, opinions, and  
 9-42 arguments, which shall be made available to the public.

9-43 G. The commission shall grant an opportunity for a public  
 9-44 hearing before it adopts a rule or amendment if a hearing is  
 9-45 requested by:

9-46 1. at least 25 persons;

9-47 2. a governmental subdivision or agency; or

9-48 3. an association having at least 25 members.

9-49 H. If a hearing is held on the proposed rule or amendment,  
 9-50 the commission shall publish the place, time, and date of the  
 9-51 scheduled public hearing.

9-52 1. All persons wishing to be heard at the hearing shall  
 9-53 notify the executive director of the commission or other designated  
 9-54 member in writing of their desire to appear and testify at the  
 9-55 hearing not less than 5 business days before the scheduled date of  
 9-56 the hearing.

9-57 2. Hearings shall be conducted in a manner providing  
 9-58 each person who wishes to comment a fair and reasonable opportunity  
 9-59 to comment orally or in writing.

9-60 3. No transcript of the hearing is required, unless a  
 9-61 written request for a transcript is made, in which case the person  
 9-62 requesting the transcript shall bear the cost of producing the  
 9-63 transcript. A recording may be made in lieu of a transcript under  
 9-64 the same terms and conditions as a transcript. This subsection  
 9-65 shall not preclude the commission from making a transcript or  
 9-66 recording of the hearing if it so chooses.

9-67 4. Nothing in this section shall be construed as  
 9-68 requiring a separate hearing on each rule. Rules may be grouped for  
 9-69 the convenience of the commission at hearings required by this

10-1 section.

10-2 I. Following the scheduled hearing date, or by the close of  
 10-3 business on the scheduled hearing date if the hearing was not held,  
 10-4 the commission shall consider all written and oral comments  
 10-5 received.

10-6 J. The commission shall, by majority vote of all members,  
 10-7 take final action on the proposed rule and shall determine the  
 10-8 effective date of the rule, if any, based on the rulemaking record  
 10-9 and the full text of the rule.

10-10 K. If no written notice of intent to attend the public  
 10-11 hearing by interested parties is received, the commission may  
 10-12 proceed with promulgation of the proposed rule without a public  
 10-13 hearing.

10-14 L. Upon determination that an emergency exists, the  
 10-15 commission may consider and adopt an emergency rule without prior  
 10-16 notice, opportunity for comment, or hearing, provided that the  
 10-17 usual rulemaking procedures provided in the compact and in this  
 10-18 section shall be retroactively applied to the rule as soon as  
 10-19 reasonably possible, in no event later than 90 days after the  
 10-20 effective date of the rule. For the purposes of this provision, an  
 10-21 emergency rule is one that must be adopted immediately in order to:

10-22 1. meet an imminent threat to public health, safety,  
 10-23 or welfare;

10-24 2. prevent a loss of commission or member state funds;

10-25 3. meet a deadline for the promulgation of an  
 10-26 administrative rule that is established by federal law or rule; or

10-27 4. protect public health and safety.

10-28 M. The commission or an authorized committee of the  
 10-29 commission may direct revisions to a previously adopted rule or  
 10-30 amendment for purposes of correcting typographical errors, errors  
 10-31 in format, errors in consistency, or grammatical errors. Public  
 10-32 notice of any revisions shall be posted on the website of the  
 10-33 commission. The revision shall be subject to challenge by any  
 10-34 person for a period of 30 days after posting. The revision may be  
 10-35 challenged only on grounds that the revision results in a material  
 10-36 change to a rule. A challenge shall be made in writing, and  
 10-37 delivered to the chair of the commission prior to the end of the  
 10-38 notice period. If no challenge is made, the revision will take  
 10-39 effect without further action. If the revision is challenged, the  
 10-40 revision may not take effect without the approval of the  
 10-41 commission.

10-42 Section 13. OVERSIGHT, DISPUTE RESOLUTION, AND  
 10-43 ENFORCEMENT. A. Oversight.

10-44 1. The executive, legislative, and judicial branches  
 10-45 of state government in each member state shall enforce this compact  
 10-46 and take all actions necessary and appropriate to effectuate the  
 10-47 compact's purposes and intent. The provisions of this compact and  
 10-48 the rules promulgated hereunder shall have standing as statutory  
 10-49 law.

10-50 2. All courts shall take judicial notice of the  
 10-51 compact and the rules in any judicial or administrative proceeding  
 10-52 in a member state pertaining to the subject matter of this compact  
 10-53 which may affect the powers, responsibilities or actions of the  
 10-54 commission.

10-55 3. The commission shall be entitled to receive service  
 10-56 of process in any such proceeding, and shall have standing to  
 10-57 intervene in such a proceeding for all purposes. Failure to provide  
 10-58 service of process to the commission shall render a judgment or  
 10-59 order void as to the commission, this compact, or promulgated  
 10-60 rules.

10-61 B. Default, Technical Assistance, and Termination. 1. If  
 10-62 the commission determines that a member state has defaulted in the  
 10-63 performance of its obligations or responsibilities under this  
 10-64 compact or the promulgated rules, the commission shall:

10-65 a. provide written notice to the defaulting state  
 10-66 and other member states of the nature of the default, the proposed  
 10-67 means of curing the default and/or any other action to be taken by  
 10-68 the commission; and

10-69 b. provide remedial training and specific

11-1 technical assistance regarding the default.

11-2 2. If a state in default fails to cure the default, the  
 11-3 defaulting state may be terminated from the compact upon an  
 11-4 affirmative vote of a majority of the member states, and all rights,  
 11-5 privileges and benefits conferred by this compact may be terminated  
 11-6 on the effective date of termination. A cure of the default does not  
 11-7 relieve the offending state of obligations or liabilities incurred  
 11-8 during the period of default.

11-9 3. Termination of membership in the compact shall be  
 11-10 imposed only after all other means of securing compliance have been  
 11-11 exhausted. Notice of intent to suspend or terminate shall be given  
 11-12 by the commission to the governor, the majority and minority  
 11-13 leaders of the defaulting state's legislature, and each of the  
 11-14 member states.

11-15 4. A state that has been terminated is responsible for  
 11-16 all assessments, obligations, and liabilities incurred through the  
 11-17 effective date of termination, including obligations that extend  
 11-18 beyond the effective date of termination.

11-19 5. The commission shall not bear any costs related to a  
 11-20 state that is found to be in default or that has been terminated  
 11-21 from the compact, unless agreed upon in writing between the  
 11-22 commission and the defaulting state.

11-23 6. The defaulting state may appeal the action of the  
 11-24 commission by petitioning the U.S. District Court for the District  
 11-25 of Columbia or the federal district where the commission has its  
 11-26 principal offices. The prevailing member shall be awarded all costs  
 11-27 of such litigation, including reasonable attorney's fees.

11-28 C. Dispute Resolution. 1. Upon request by a member state,  
 11-29 the commission shall attempt to resolve disputes related to the  
 11-30 compact that arise among member states and between member and  
 11-31 non-member states.

11-32 2. The commission shall promulgate a rule providing  
 11-33 for both mediation and binding dispute resolution for disputes as  
 11-34 appropriate.

11-35 D. Enforcement. 1. The commission, in the reasonable  
 11-36 exercise of its discretion, shall enforce the provisions and rules  
 11-37 of this compact.

11-38 2. By majority vote, the commission may initiate legal  
 11-39 action in the United States District Court for the District of  
 11-40 Columbia or the federal district where the commission has its  
 11-41 principal offices against a member state in default to enforce  
 11-42 compliance with the provisions of the compact and its promulgated  
 11-43 rules and bylaws. The relief sought may include both injunctive  
 11-44 relief and damages. In the event judicial enforcement is necessary,  
 11-45 the prevailing member shall be awarded all costs of such  
 11-46 litigation, including reasonable attorney's fees.

11-47 3. The remedies herein shall not be the exclusive  
 11-48 remedies of the commission. The commission may pursue any other  
 11-49 remedies available under federal or state law.

11-50 Section 14. DATE OF IMPLEMENTATION OF THE INTERSTATE  
 11-51 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,  
 11-52 WITHDRAWAL, AND AMENDMENT. A. The compact shall come into effect  
 11-53 on the date on which the compact statute is enacted into law in the  
 11-54 tenth member state. The provisions, which become effective at that  
 11-55 time, shall be limited to the powers granted to the commission  
 11-56 relating to assembly and the promulgation of rules. Thereafter, the  
 11-57 commission shall meet and exercise rulemaking powers necessary to  
 11-58 the implementation and administration of the compact.

11-59 B. Any state that joins the compact subsequent to the  
 11-60 commission's initial adoption of the rules shall be subject to the  
 11-61 rules as they exist on the date on which the compact becomes law in  
 11-62 that state. Any rule that has been previously adopted by the  
 11-63 commission shall have the full force and effect of law on the day  
 11-64 the compact becomes law in that state.

11-65 C. Any member state may withdraw from this compact by  
 11-66 enacting a statute repealing the same.

11-67 1. A member state's withdrawal shall not take effect  
 11-68 until six months after enactment of the repealing statute.

11-69 2. Withdrawal shall not affect the continuing

12-1 requirement of the withdrawing state's EMS authority to comply with  
12-2 the investigative and adverse action reporting requirements of this  
12-3 compact prior to the effective date of withdrawal.

12-4 D. Nothing contained in this compact shall be construed to  
12-5 invalidate or prevent any EMS personnel licensure agreement or  
12-6 other cooperative arrangement between a member state and a  
12-7 non-member state that does not conflict with the provisions of this  
12-8 compact.

12-9 E. This compact may be amended by the member states. No  
12-10 amendment to this compact shall become effective and binding upon  
12-11 any member state until it is enacted into the laws of all member  
12-12 states.

12-13 Section 15. CONSTRUCTION AND SEVERABILITY. This compact  
12-14 shall be liberally construed so as to effectuate the purposes  
12-15 thereof. If this compact shall be held contrary to the constitution  
12-16 of any state member thereto, the compact shall remain in full force  
12-17 and effect as to the remaining member states. Nothing in this  
12-18 compact supersedes state law or rules related to licensure of EMS  
12-19 agencies.

12-20 SECTION 2. This Act takes effect September 1, 2015.

12-21 \* \* \* \* \*