

IN THE SENATE

SENATE BILL NO. 1281

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING CHAPTER 10, TITLE 56, IDAHO
2 CODE, BY THE ADDITION OF NEW SECTIONS 56-1013B THROUGH 56-1013Q, IDAHO
3 CODE, TO ENACT THE EMS PERSONNEL LICENSURE INTERSTATE COMPACT, TO STATE
4 THE PURPOSE OF THE COMPACT, TO DEFINE TERMS, TO ESTABLISH PROVISIONS
5 REGARDING HOME STATE LICENSURE, TO ESTABLISH PRACTICE PRIVILEGES UNDER
6 THE COMPACT, TO PROVIDE CONDITIONS FOR PRACTICE IN A REMOTE STATE, TO
7 PROVIDE THAT THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT SHALL TAKE
8 PRECEDENCE OVER THIS COMPACT UNDER CERTAIN CIRCUMSTANCES, TO ESTABLISH
9 LICENSURE PROVISIONS FOR VETERANS, SERVICE MEMBERS AND THEIR SPOUSES,
10 TO ESTABLISH THAT ADVERSE ACTION MAY BE TAKEN AGAINST AN INDIVIDUAL'S
11 LICENSE UNDER CERTAIN CIRCUMSTANCES AND TO ESTABLISH THE CONSEQUENCES
12 OF ADVERSE ACTION, TO PROVIDE ADDITIONAL POWERS TO A MEMBER STATE'S EMS
13 AUTHORITY UNDER THE COMPACT, TO ESTABLISH AN INTERSTATE COMMISSION, TO
14 PROVIDE FOR A COORDINATED DATABASE, TO PROVIDE RULEMAKING AUTHORITY,
15 TO PROVIDE FOR OVERSIGHT OF THE COMPACT AND TO ESTABLISH PROVISIONS RE-
16 GARDING DEFAULT, DISPUTE RESOLUTION AND ENFORCEMENT OF THE COMPACT, TO
17 PROVIDE FOR IMPLEMENTATION OF THE COMPACT, TO PROVIDE THAT THE COMPACT
18 SHALL BE CONSTRUED LIBERALLY AND TO PROVIDE SEVERABILITY.
19

20 Be It Enacted by the Legislature of the State of Idaho:

21 SECTION 1. That Chapter 10, Title 56, Idaho Code, be, and the same is
22 hereby amended by the addition thereto of NEW SECTIONS, to be known and des-
23 ignated as Sections 56-1013B through 56-1013Q, Idaho Code, and to read as
24 follows:

25 56-1013B. RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT
26 (REPLICA). The recognition of EMS personnel licensure interstate compact
27 (REPLICA) is hereby enacted into law and entered into with all other juris-
28 dictions legally joining therein, in the form substantially as follows in
29 sections 56-1013C through 56-1013Q, Idaho Code.

30 56-1013C. PURPOSE. In order to protect the public through verifica-
31 tion of competency and ensure accountability for patient care related activ-
32 ities all states license emergency medical services (EMS) personnel, such
33 as emergency medical technicians (EMTs), advanced EMTs and paramedics. This
34 compact is intended to facilitate the day-to-day movement of EMS personnel
35 across state boundaries in the performance of their EMS duties as assigned
36 by an appropriate authority and authorize state EMS offices to afford imme-
37 diate legal recognition to EMS personnel licensed in a member state. This
38 compact recognizes that states have a vested interest in protecting the pub-
39 lic's health and safety through their licensing and regulation of EMS per-
40 sonnel and that such state regulation shared among the member states will

1 best protect public health and safety. This compact is designed to achieve
2 the following purposes and objectives:

- 3 (1) Increase public access to EMS personnel;
- 4 (2) Enhance the states' ability to protect the public's health and
5 safety, especially patient safety;
- 6 (3) Encourage the cooperation of member states in the areas of EMS per-
7 sonnel licensure and regulation;
- 8 (4) Support licensing of military members who are separating from an
9 active duty tour and their spouses;
- 10 (5) Facilitate the exchange of information between member states re-
11 garding EMS personnel licensure, adverse action and significant investiga-
12 tory information;
- 13 (6) Promote compliance with the laws governing EMS personnel practice
14 in each member state; and
- 15 (7) Invest all member states with the authority to hold EMS personnel
16 accountable through the mutual recognition of member state licenses.

17 56-1013D. DEFINITIONS. As used in this compact:

- 18 (1) "Advanced emergency medical technician" (AEMT) means an individual
19 licensed with cognitive knowledge and a scope of practice that corresponds
20 to that level in the national EMS education standards and national EMS scope
21 of practice model.
- 22 (2) "Adverse action" means any administrative, civil, equitable or
23 criminal action permitted by a state's laws that may be imposed against li-
24 censed EMS personnel by a state EMS authority or state court including, but
25 not limited to, actions against an individual's license such as revocation,
26 suspension, probation, consent agreement, monitoring or other limitation
27 or encumbrance on the individual's practice, letters of reprimand or ad-
28 monition, fines, criminal convictions and state court judgments enforcing
29 adverse actions by the state EMS authority.
- 30 (3) "Alternative program" means a voluntary, nondisciplinary sub-
31 stance abuse recovery program approved by a state EMS authority.
- 32 (4) "Certification" means the successful verification of entry-level
33 cognitive and psychomotor competency using a reliable, validated and
34 legally defensible examination.
- 35 (5) "Commission" means the national administrative body of which all
36 states that have enacted the compact are members.
- 37 (6) "Emergency medical technician" (EMT) means an individual licensed
38 with cognitive knowledge and a scope of practice that corresponds to that
39 level in the national EMS education standards and national EMS scope of prac-
40 tice model.
- 41 (7) "Home state" means a member state where an individual is licensed to
42 practice emergency medical services.
- 43 (8) "License" means the authorization by a state for an individual to
44 practice as an EMT, AEMT, paramedic or a level in between EMT and paramedic.
- 45 (9) "Medical director" means a physician licensed in a member state who
46 is accountable for the care delivered by EMS personnel.
- 47 (10) "Member state" means a state that has enacted this compact.

1 (11) "Privilege to practice" means an individual's authority to deliver
2 emergency medical services in remote states as authorized under this com-
3 pact.

4 (12) "Paramedic" means an individual licensed with cognitive knowledge
5 and a scope of practice that corresponds to that level in the national EMS
6 education standards and national EMS scope of practice model.

7 (13) "Remote state" means a member state in which an individual is not
8 licensed.

9 (14) "Restricted" means the outcome of an adverse action that limits a
10 license or the privilege to practice.

11 (15) "Rule" means a written statement by the commission promulgated
12 pursuant to section 56-1013N, Idaho Code, of this compact that is of general
13 applicability; implements, interprets or prescribes a policy or provision
14 of the compact; or is an organizational, procedural or practice requirement
15 of the commission and has the force and effect of statutory law in a member
16 state and includes the amendment, repeal or suspension of an existing rule.

17 (16) "Scope of practice" means defined parameters of various duties or
18 services that may be provided by an individual with specific credentials.
19 Whether regulated by rule, statute or court decision, it tends to represent
20 the limits of services an individual may perform.

21 (17) "Significant investigatory information" means:

22 (a) Investigative information that a state EMS authority, after a pre-
23 liminary inquiry that includes notification and an opportunity to re-
24 spond if required by state law, has reason to believe, if proved true,
25 would result in the imposition of an adverse action on a license or priv-
26 ilege to practice; or

27 (b) Investigative information that indicates that the individual rep-
28 represents an immediate threat to public health and safety regardless of
29 whether the individual has been notified and had an opportunity to re-
30 spond.

31 (18) "State" means any state, commonwealth, district or territory of
32 the United States.

33 (19) "State EMS authority" means the board, office or other agency with
34 the legislative mandate to license EMS personnel.

35 56-1013E. HOME STATE LICENSURE. (1) Any member state in which an indi-
36 vidual holds a current license shall be deemed a home state for purposes of
37 this compact.

38 (2) Any member state may require an individual to obtain and retain a
39 license to be authorized to practice in the member state under circumstances
40 not authorized by the privilege to practice under the terms of this compact.

41 (3) A home state's license authorizes an individual to practice in a re-
42 mote state under the privilege to practice only if the home state:

43 (a) Currently requires the use of the national registry of emergency
44 medical technicians (NREMT) examination as a condition of issuing ini-
45 tial licenses at the EMT and paramedic levels;

46 (b) Has a mechanism in place for receiving and investigating complaints
47 about individuals;

1 (c) Notifies the commission, in compliance with the terms herein, of
2 any adverse action or significant investigatory information regarding
3 an individual;

4 (d) No later than five (5) years after activation of the compact, re-
5 quires a criminal background check of all applicants for initial licen-
6 sure, including the use of the results of fingerprint or other biometric
7 data checks compliant with the requirements of the federal bureau of in-
8 vestigation with the exception of federal employees who have suitabil-
9 ity determination in accordance with 5 CFR 731.202 and submit documen-
10 tation of such as promulgated in the rules of the commission; and

11 (e) Complies with the rules of the commission.

12 56-1013F. COMPACT PRIVILEGE TO PRACTICE. (1) Member states shall rec-
13 ognize the privilege to practice of an individual licensed in another member
14 state that is in conformance with section 56-1013E, Idaho Code.

15 (2) To exercise the privilege to practice under the terms and provi-
16 sions of this compact, an individual must:

17 (a) Be at least eighteen (18) years of age;

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

21 (c) Practice under the supervision of a medical director.

22 (3) An individual providing patient care in a remote state under the
23 privilege to practice shall function within the scope of practice authorized
24 by the home state unless and until modified by an appropriate authority in
25 the remote state as may be defined in the rules of the commission.

26 (4) Except as provided in this section, an individual practicing in a
27 remote state will be subject to the remote state's authority and laws. A
28 remote state may, in accordance with due process and that state's laws, re-
29 strict, suspend or revoke an individual's privilege to practice in the re-
30 mote state and may take any other necessary actions to protect the health and
31 safety of its citizens. If a remote state takes action it shall promptly no-
32 tify the home state and the commission.

33 (5) If an individual's license in any home state is restricted or sus-
34 pended, the individual shall not be eligible to practice in a remote state
35 under the privilege to practice until the individual's home state license is
36 restored.

37 (6) If an individual's privilege to practice in any remote state is
38 restricted, suspended or revoked, the individual shall not be eligible to
39 practice in any remote state until the individual's privilege to practice is
40 restored.

41 56-1013G. CONDITIONS OF PRACTICE IN A REMOTE STATE. An individual may
42 practice in a remote state under a privilege to practice only in the perfor-
43 mance of the individual's EMS duties as assigned by an appropriate author-
44 ity, as defined in the rules of the commission, and under the following cir-
45 cumstances:

46 (1) The individual originates a patient transport in a home state and
47 transports the patient to a remote state;

1 (2) The individual originates in the home state and enters a remote
2 state to pick up a patient and provide care and transport of the patient to
3 the home state;

4 (3) The individual enters a remote state to provide patient care and/or
5 transport within that remote state;

6 (4) The individual enters a remote state to pick up a patient and pro-
7 vide care and transport to a third member state;

8 (5) Other conditions as determined by rules promulgated by the commis-
9 sion.

10 56-1013H. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COM-
11 PACT. Upon a member state's governor's declaration of a state of emergency or
12 disaster that activates the emergency management assistance compact (EMAC),
13 all relevant terms and provisions of EMAC shall apply and to the extent any
14 terms or provisions of this compact conflict with EMAC, the terms of EMAC
15 shall prevail with respect to any individual practicing in the remote state
16 in response to such declaration.

17 56-1013I. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MIL-
18 ITARY AND THEIR SPOUSES. (1) Member states shall consider a veteran, active
19 military service member, and member of the national guard and reserves sep-
20 arating from an active duty tour, and a spouse thereof, who holds a current
21 valid and unrestricted NREMT certification at or above the level of the state
22 license being sought as satisfying the minimum training and examination re-
23 quirements for such licensure.

24 (2) Member states shall expedite the processing of licensure applica-
25 tions submitted by veterans, active military service members, and members
26 of the national guard and reserves separating from an active duty tour, and
27 their spouses.

28 (3) All individuals functioning with a privilege to practice under
29 this section remain subject to the adverse actions provisions of section
30 56-1013J, Idaho Code.

31 56-1013J. ADVERSE ACTIONS. (1) A home state shall have exclusive power
32 to impose adverse action against an individual's license issued by the home
33 state.

34 (2) If an individual's license in any home state is restricted or sus-
35 pended, the individual shall not be eligible to practice in a remote state
36 under the privilege to practice until the individual's home state license is
37 restored.

38 (a) All home state adverse action orders shall include a statement that
39 the individual's compact privileges are inactive. The order may allow
40 the individual to practice in remote states with prior written autho-
41 rization from both the home state and remote state's EMS authority.

42 (b) An individual currently subject to adverse action in the home state
43 shall not practice in any remote state without prior written authoriza-
44 tion from both the home state and remote state's EMS authority.

45 (3) A member state shall report adverse actions and any occurrences
46 that the individual's compact privileges are restricted, suspended or re-
47 voked to the commission in accordance with the rules of the commission.

1 (4) A remote state may take adverse action on an individual's privilege
2 to practice within that state.

3 (5) Any member state may take adverse action against an individual's
4 privilege to practice in that state based on the factual findings of another
5 member state, so long as each state follows its own procedures for imposing
6 such adverse action.

7 (6) A home state's EMS authority shall investigate and take appropriate
8 action with respect to reported conduct in a remote state as it would if such
9 conduct had occurred within the home state. In such cases, the home state's
10 law shall control in determining the appropriate adverse action.

11 (7) Nothing in this compact shall override a member state's decision
12 that participation in an alternative program may be used in lieu of adverse
13 action and that such participation shall remain nonpublic if required by
14 the member state's laws. Member states must require individuals who enter
15 any alternative programs to agree not to practice in any other member state
16 during the term of the alternative program without prior authorization from
17 such other member state.

18 56-1013K. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHOR-
19 ITY. A member state's EMS authority, in addition to any other powers granted
20 under state law, is authorized under this compact to:

21 (1) Issue subpoenas for both hearings and investigations that require
22 the attendance and testimony of witnesses and the production of evidence.
23 Subpoenas issued by a member state's EMS authority for the attendance and
24 testimony of witnesses, and/or the production of evidence from another mem-
25 ber state, shall be enforced in the remote state by any court of competent
26 jurisdiction, according to that court's practice and procedure in consider-
27 ing subpoenas issued in its own proceedings. The issuing state EMS authority
28 shall pay any witness fees, travel expenses, mileage and other fees required
29 by the service statutes of the state where the witnesses and/or evidence are
30 located; and

31 (2) Issue cease and desist orders to restrict, suspend or revoke an in-
32 dividual's privilege to practice in the state.

33 56-1013L. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSON-
34 NEL PRACTICE. (1) The compact states hereby create and establish a joint pub-
35 lic agency known as the interstate commission for EMS personnel practice.

36 (a) The commission is a body politic and an instrumentality of the com-
37 pact states.

38 (b) Venue is proper and judicial proceedings by or against the commis-
39 sion shall be brought solely and exclusively in a court of competent ju-
40 risdiction where the principal office of the commission is located. The
41 commission may waive venue and jurisdictional defenses to the extent
42 it adopts or consents to participate in alternative dispute resolution
43 proceedings.

44 (c) Nothing in this compact shall be construed to be a waiver of
45 sovereign immunity.

46 (2) Membership, voting, and meetings.

47 (a) Each member state shall have and be limited to one (1) delegate. The
48 responsible official of the state EMS authority or his designee shall be

1 the delegate to this compact for each member state. Any delegate may be
2 removed or suspended from office as provided by the law of the state from
3 which the delegate is appointed. Any vacancy occurring in the commis-
4 sion shall be filled in accordance with the laws of the member state in
5 which the vacancy exists. In the event that more than one (1) board, of-
6 fice or other agency with the legislative mandate to license EMS person-
7 nel at and above the level of EMT exists, the governor of the state will
8 determine which entity will be responsible for assigning the delegate.

9 (b) Each delegate shall be entitled to one (1) vote with regard to the
10 promulgation of rules and creation of bylaws and shall otherwise have
11 an opportunity to participate in the business and affairs of the commis-
12 sion. A delegate shall vote in person or by such other means as provided
13 in the bylaws. The bylaws may provide for delegates' participation in
14 meetings by telephone or other means of communication.

15 (c) The commission shall meet at least once during each calendar year.
16 Additional meetings shall be held as set forth in the bylaws.

17 (d) All meetings shall be open to the public, and public notice of meet-
18 ings shall be given in the same manner as required under the rulemaking
19 provisions in section 56-1013N, Idaho Code.

20 (e) The commission may convene in a closed, nonpublic meeting if the
21 commission must discuss noncompliance of a member state with its obli-
22 gations under the compact; the employment, compensation, discipline or
23 other personnel matters, practices or procedures related to specific
24 employees or other matters related to the commission's internal person-
25 nel practices and procedures; current, threatened or reasonably antic-
26 ipated litigation; negotiation of contracts for the purchase or sale of
27 goods, services or real estate; accusing any person of a crime or for-
28 mally censuring any person; disclosure of trade secrets or commercial
29 or financial information that is privileged or confidential; disclo-
30 sure of information of a personal nature where disclosure would consti-
31 tute a clearly unwarranted invasion of personal privacy; disclosure of
32 investigatory records compiled for law enforcement purposes; disclo-
33 sure of information related to any investigatory reports prepared by or
34 on behalf of or for use of the commission or other committee charged with
35 responsibility of investigation or determination of compliance issues
36 pursuant to the compact; or matters specifically exempted from disclo-
37 sure by federal or member state statute.

38 (f) If a meeting, or portion of a meeting, is closed pursuant to this
39 provision, the commission's legal counsel or designee shall certify
40 that the meeting may be closed and shall reference each relevant exempt-
41 ing provision. The commission shall keep minutes that fully and clearly
42 describe all matters discussed in a meeting and shall provide a full and
43 accurate summary of actions taken, and the reasons therefore, including
44 a description of the views expressed. All documents considered in con-
45 nection with an action shall be identified in such minutes. All minutes
46 and documents of a closed meeting shall remain under seal, subject to
47 release by a majority vote of the commission or order of a court of com-
48 petent jurisdiction.

49 (3) The commission shall, by a majority vote of the delegates, pre-
50 scribe bylaws and/or rules to govern its conduct as may be necessary or

1 appropriate to carry out the purposes and exercise the powers of the compact
2 including, but not limited to:

3 (a) Establishing the fiscal year of the commission;

4 (b) Providing reasonable standards and procedures for the establish-
5 ment and meetings of other committees; and governing any general or spe-
6 cific delegation of any authority or function of the commission;

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

17 (d) Establishing the titles, duties and authority, and reasonable pro-
18 cedures for the election of the officers of the commission;

19 (e) Providing reasonable standards and procedures for the establish-
20 ment of the personnel policies and programs of the commission. Notwith-
21 standing any civil service or other similar laws of any member state,
22 the bylaws shall exclusively govern the personnel policies and programs
23 of the commission;

24 (f) Promulgating a code of ethics to address permissible and prohibited
25 activities of commission members and employees;

26 (g) Providing a mechanism for winding up the operations of the commis-
27 sion and the equitable disposition of any surplus funds that may exist
28 after the termination of the compact after the payment and/or reserving
29 of all of its debts and obligations;

30 (h) The commission shall publish its bylaws and file a copy thereof, and
31 a copy of any amendment thereto, with the appropriate agency or officer
32 in each of the member states, if any;

33 (i) The commission shall maintain its financial records in accordance
34 with the bylaws; and

35 (j) The commission shall meet and take such actions as are consistent
36 with the provisions of this compact and the bylaws.

37 (4) The commission shall have the following powers:

38 (a) The authority to promulgate uniform rules to facilitate and coor-
39 dinate implementation and administration of this compact. The rules
40 shall have the force and effect of law and shall be binding in all member
41 states;

42 (b) To bring and prosecute legal proceedings or actions in the name of
43 the commission, provided that the standing of any state EMS authority or
44 other regulatory body responsible for EMS personnel licensure to sue or
45 be sued under applicable law shall not be affected;

46 (c) To purchase and maintain insurance and bonds;

47 (d) To borrow, accept or contract for services of personnel including,
48 but not limited to, employees of a member state;

49 (e) To hire employees, elect or appoint officers, fix compensation, de-
50 fine duties, grant such individuals appropriate authority to carry out

1 the purposes of the compact, and to establish the commission's person-
2 nel policies and programs relating to conflicts of interest, qualifica-
3 tions of personnel, and other related personnel matters;

4 (f) To accept any and all appropriate donations and grants of money,
5 equipment, supplies, materials and services, and to receive, utilize
6 and dispose of the same; provided that at all times the commission shall
7 strive to avoid any appearance of impropriety and/or conflict of inter-
8 est;

9 (g) To lease, purchase, accept appropriate gifts or donations of, or
10 otherwise to own, hold, improve or use, any property, real, personal or
11 mixed; provided that at all times the commission shall strive to avoid
12 any appearance of impropriety;

13 (h) To sell, convey, mortgage, pledge, lease, exchange, abandon, or
14 otherwise dispose of any property, real, personal or mixed;

15 (i) To establish a budget and make expenditures;

16 (j) To borrow money;

17 (k) To appoint committees, including advisory committees comprised of
18 members, state regulators, state legislators or their representatives,
19 and consumer representatives, and such other interested persons as may
20 be designated in this compact and the bylaws;

21 (l) To provide and receive information from, and to cooperate with, law
22 enforcement agencies;

23 (m) To adopt and use an official seal; and

24 (n) To perform such other functions as may be necessary or appropriate
25 to achieve the purposes of this compact consistent with the state regu-
26 lation of EMS personnel licensure and practice.

27 (5) Financing of the commission.

28 (a) The commission shall pay, or provide for the payment of, the rea-
29 sonable expenses of its establishment, organization and ongoing activ-
30 ities.

31 (b) The commission may accept any and all appropriate revenue sources,
32 donations, and grants of money, equipment, supplies, materials and ser-
33 vices.

34 (c) The commission may levy on and collect an annual assessment from
35 each member state or impose fees on other parties to cover the cost of
36 the operations and activities of the commission and its staff, which
37 must be in a total amount sufficient to cover its annual budget as ap-
38 proved each year for which revenue is not provided by other sources. The
39 aggregate annual assessment amount shall be allocated based upon a for-
40 mula to be determined by the commission, which shall promulgate a rule
41 binding upon all member states.

42 (d) The commission shall not incur obligations of any kind prior to
43 securing the funds adequate to meet the same; nor shall the commission
44 pledge the credit of any of the member states, except by and with the
45 authority of the member state.

46 (e) The commission shall keep accurate accounts of all receipts and
47 disbursements. The receipts and disbursements of the commission shall
48 be subject to the audit and accounting procedures established under its
49 bylaws. However, all receipts and disbursements of funds handled by the
50 commission shall be audited yearly by a certified or licensed public

1 accountant, and the report of the audit shall be included in and become
2 part of the annual report of the commission.

3 (6) Qualified immunity, defense, and indemnification.

4 (a) The members, officers, executive director, employees and represen-
5 tatives of the commission shall be immune from suit and liability, ei-
6 ther personally or in their official capacity, for any claim for dam-
7 age to or loss of property or personal injury or other civil liability
8 caused by or arising out of any actual or alleged act, error or omission
9 that occurred, or that the person against whom the claim is made had a
10 reasonable basis for believing occurred within the scope of commission
11 employment, duties or responsibilities; provided that nothing in this
12 paragraph shall be construed to protect any such person from suit and/or
13 liability for any damage, loss, injury or liability caused by the inten-
14 tional or willful or wanton misconduct of that person.

15 (b) The commission shall defend any member, officer, executive direc-
16 tor, employee or representative of the commission in any civil action
17 seeking to impose liability arising out of any actual or alleged act,
18 error or omission that occurred within the scope of commission employ-
19 ment, duties or responsibilities, or that the person against whom the
20 claim is made had a reasonable basis for believing occurred within the
21 scope of commission employment, duties or responsibilities; provided
22 that nothing herein shall be construed to prohibit that person from re-
23 taining his or her own counsel; and provided further, that the actual or
24 alleged act, error or omission did not result from that person's inten-
25 tional or willful or wanton misconduct.

26 (c) The commission shall indemnify and hold harmless any member, offi-
27 cer, executive director, employee or representative of the commission
28 for the amount of any settlement or judgment obtained against that per-
29 son arising out of any actual or alleged act, error or omission that oc-
30 curred within the scope of commission employment, duties or responsi-
31 bilities, or that such person had a reasonable basis for believing oc-
32 curred within the scope of commission employment, duties or responsi-
33 bilities, provided that the actual or alleged act, error or omission did
34 not result from the intentional or willful or wanton misconduct of that
35 person.

36 56-1013M. COORDINATED DATABASE. (1) The commission shall provide for
37 the development and maintenance of a coordinated database and reporting sys-
38 tem containing licensure, adverse action and significant investigatory in-
39 formation on all licensed individuals in member states.

40 (2) Notwithstanding any other provision of state law to the contrary, a
41 member state shall submit a uniform data set to the coordinated database on
42 all individuals to whom this compact is applicable as required by the rules
43 of the commission, including:

44 (a) Identifying information;

45 (b) Licensure data;

46 (c) Significant investigatory information;

47 (d) Adverse actions against an individual's license;

48 (e) An indicator that an individual's privilege to practice is re-
49 stricted, suspended or revoked;

1 (f) Nonconfidential information related to alternative program par-
2 ticipation;

3 (g) Any denial of application for licensure, and the reason(s) for such
4 denial; and

5 (h) Other information that may facilitate the administration of this
6 compact, as determined by the rules of the commission.

7 (3) The coordinated database administrator shall promptly notify all
8 member states of any adverse action taken against, or significant investiga-
9 tive information on, any individual in a member state.

10 (4) Member states contributing information to the coordinated database
11 may designate information that may not be shared with the public without the
12 express permission of the contributing state.

13 (5) Any information submitted to the coordinated database that is sub-
14 sequently required to be expunged by the laws of the member state contribut-
15 ing the information shall be removed from the coordinated database.

16 56-1013N. RULEMAKING. (1) The commission shall exercise its rulemak-
17 ing powers pursuant to the criteria set forth in this section and the rules
18 adopted thereunder. Rules and amendments shall become binding as of the date
19 specified in each rule or amendment.

20 (2) If a majority of the legislatures of the member states rejects a
21 rule, by enactment of a statute or resolution in the same manner used to adopt
22 the compact, then such rule shall have no further force and effect in any mem-
23 ber state.

24 (3) Rules or amendments to the rules shall be adopted at a regular or
25 special meeting of the commission.

26 (4) Prior to promulgation and adoption of a final rule or rules by the
27 commission, and at least sixty (60) days in advance of the meeting at which
28 the rule will be considered and voted upon, the commission shall file a no-
29 tice of proposed rulemaking:

30 (a) On the website of the commission; and

31 (b) On the website of each member state EMS authority or the publication
32 in which each state would otherwise publish proposed rules.

33 (5) The notice of proposed rulemaking shall include:

34 (a) The proposed time, date and location of the meeting in which the
35 rule will be considered and voted upon;

36 (b) The text of the proposed rule or amendment and the reason for the
37 proposed rule;

38 (c) A request for comments on the proposed rule from any interested per-
39 son; and

40 (d) The manner in which interested persons may submit notice to the com-
41 mission of their intention to attend the public hearing and any written
42 comments.

43 (6) Prior to adoption of a proposed rule, the commission shall allow
44 persons to submit written data, facts, opinions and arguments, which shall
45 be made available to the public.

46 (7) The commission shall grant an opportunity for a public hearing be-
47 fore it adopts a rule or amendment if a hearing is requested by:

48 (a) At least twenty-five (25) persons;

49 (b) A governmental subdivision or agency; or

- 1 (c) An association having at least twenty-five (25) members.
- 2 (8) If a hearing is held on the proposed rule or amendment, the commis-
3 sion shall publish the place, time and date of the scheduled public hearing.
- 4 (a) All persons wishing to be heard at the hearing shall notify the ex-
5 ecutive director of the commission or other designated member in writ-
6 ing of their desire to appear and testify at the hearing not less than
7 five (5) business days before the scheduled date of the hearing.
- 8 (b) Hearings shall be conducted in a manner providing each person who
9 wishes to comment a fair and reasonable opportunity to comment orally or
10 in writing.
- 11 (c) No transcript of the hearing is required, unless a written request
12 for a transcript is made, in which case the person requesting the tran-
13 script shall bear the cost of producing the transcript. A recording may
14 be made in lieu of a transcript under the same terms and conditions as
15 a transcript. This subsection (8) (c) shall not preclude the commission
16 from making a transcript or recording of the hearing if it so chooses.
- 17 (d) Nothing in this section shall be construed as requiring a separate
18 hearing on each rule. Rules may be grouped for the convenience of the
19 commission at hearings required by this section.
- 20 (9) Following the scheduled hearing date, or by the close of business on
21 the scheduled hearing date if the hearing was not held, the commission shall
22 consider all written and oral comments received.
- 23 (10) The commission shall, by majority vote of all members, take final
24 action on the proposed rule and shall determine the effective date of the
25 rule, if any, based on the rulemaking record and the full text of the rule.
- 26 (11) If no written notice of intent to attend the public hearing by in-
27 terested parties is received, the commission may proceed with promulgation
28 of the proposed rule without a public hearing.
- 29 (12) Upon determination that an emergency exists, the commission may
30 consider and adopt an emergency rule without prior notice, opportunity for
31 comment, or hearing, provided that the usual rulemaking procedures provided
32 in the compact and in this section shall be retroactively applied to the rule
33 as soon as reasonably possible, in no event later than ninety (90) days after
34 the effective date of the rule. For the purposes of this provision, an emer-
35 gency rule is one that must be adopted immediately in order to:
- 36 (a) Meet an imminent threat to public health, safety or welfare;
37 (b) Prevent a loss of commission or member state funds;
38 (c) Meet a deadline for the promulgation of an administrative rule that
39 is established by federal law or rule; or
40 (d) Protect public health and safety.
- 41 (13) The commission or an authorized committee of the commission may
42 direct revisions to a previously adopted rule or amendment for purposes of
43 correcting typographical errors, errors in format, errors in consistency,
44 or grammatical errors. Public notice of any revisions shall be posted on the
45 website of the commission. The revision shall be subject to challenge by any
46 person for a period of thirty (30) days after posting. The revision may be
47 challenged only on grounds that the revision results in a material change
48 to a rule. A challenge shall be made in writing, and delivered to the chair
49 of the commission prior to the end of the notice period. If no challenge is
50 made, the revision will take effect without further action. If the revision

1 is challenged, the revision may not take effect without the approval of the
2 commission.

3 56-10130. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT. (1) Over-
4 sight.

5 (a) The executive, legislative and judicial branches of state govern-
6 ment in each member state shall enforce this compact and take all ac-
7 tions necessary and appropriate to effectuate the compact's purposes
8 and intent. The provisions of this compact and the rules promulgated
9 hereunder shall have standing as statutory law.

10 (b) All courts shall take judicial notice of the compact and the rules
11 in any judicial or administrative proceeding in a member state pertain-
12 ing to the subject matter of this compact which may affect the powers,
13 responsibilities or actions of the commission.

14 (c) The commission shall be entitled to receive service of process in
15 any such proceeding, and shall have standing to intervene in such a pro-
16 ceeding for all purposes. Failure to provide service of process to the
17 Commission shall render a judgment or order void as to the commission,
18 this compact, or promulgated rules.

19 (2) Default, technical assistance, and termination.

20 (a) If the commission determines that a member state has defaulted in
21 the performance of its obligations or responsibilities under this com-
22 pact or the promulgated rules, the commission shall provide written no-
23 tice to the defaulting state and other member states of the nature of the
24 default, the proposed means of curing the default and/or any other ac-
25 tion to be taken by the commission; and provide remedial training and
26 specific technical assistance regarding the default.

27 (b) If a state in default fails to cure the default, the defaulting
28 state may be terminated from the compact upon an affirmative vote of a
29 majority of the member states, and all rights, privileges and benefits
30 conferred by this compact may be terminated on the effective date of
31 termination. A cure of the default does not relieve the offending state
32 of obligations or liabilities incurred during the period of default.

33 (c) Termination of membership in the compact shall be imposed only af-
34 ter all other means of securing compliance have been exhausted. Notice
35 of intent to suspend or terminate shall be given by the commission to the
36 governor, the majority and minority leaders of the defaulting state's
37 legislature, and each of the member states.

38 (d) A state that has been terminated is responsible for all assess-
39 ments, obligations and liabilities incurred through the effective date
40 of termination, including obligations that extend beyond the effective
41 date of termination.

42 (e) The commission shall not bear any costs related to a state that is
43 found to be in default or that has been terminated from the compact, un-
44 less agreed upon in writing between the commission and the defaulting
45 state.

46 (f) The defaulting state may appeal the action of the commission by pe-
47 titioning the United States district court for the District of Columbia
48 or the federal district where the commission has its principal offices.

1 The prevailing member shall be awarded all costs of such litigation, in-
2 cluding reasonable attorney's fees.

3 (3) Dispute Resolution.

4 (a) Upon request by a member state, the commission shall attempt to re-
5 solve disputes related to the compact that arise among member states and
6 between member and nonmember states.

7 (b) The commission shall promulgate a rule providing for both mediation
8 and binding dispute resolution for disputes as appropriate.

9 (4) Enforcement.

10 (a) The commission, in the reasonable exercise of its discretion, shall
11 enforce the provisions and rules of this compact.

12 (b) By majority vote, the commission may initiate legal action in the
13 United States district court for the District of Columbia or the fed-
14 eral district where the commission has its principal offices against
15 a member state in default to enforce compliance with the provisions of
16 the compact and its promulgated rules and bylaws. The relief sought
17 may include both injunctive relief and damages. In the event judicial
18 enforcement is necessary, the prevailing member shall be awarded all
19 costs of such litigation, including reasonable attorney's fees.

20 (c) The remedies herein shall not be the exclusive remedies of the com-
21 mission. The commission may pursue any other remedies available under
22 federal or state law.

23 56-1013P. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
24 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT. (1) The
25 compact shall come into effect on the date on which the compact statute is en-
26 acted into law in the tenth member state. The provisions, which become ef-
27 fective at that time, shall be limited to the powers granted to the commis-
28 sion relating to assembly and the promulgation of rules. Thereafter, the
29 commission shall meet and exercise rulemaking powers necessary to the imple-
30 mentation and administration of the compact.

31 (2) Any state that joins the compact subsequent to the commission's
32 initial adoption of the rules shall be subject to the rules as they exist
33 on the date on which the compact becomes law in that state. Any rule that
34 has been previously adopted by the commission shall have the full force and
35 effect of law on the day the compact becomes law in that state.

36 (3) Any member state may withdraw from this compact by enacting a
37 statute repealing the same.

38 (a) A member state's withdrawal shall not take effect until six (6)
39 months after enactment of the repealing statute.

40 (b) Withdrawal shall not affect the continuing requirement of the with-
41 drawing state's EMS authority to comply with the investigative and ad-
42 verse action reporting requirements of this act prior to the effective
43 date of withdrawal.

44 (4) Nothing contained in this compact shall be construed to invalidate
45 or prevent any EMS personnel licensure agreement or other cooperative ar-
46 rangement between a member state and a nonmember state that does not conflict
47 with the provisions of this compact.

1 (5) This compact may be amended by the member states. No amendment to
2 this compact shall become effective and binding upon any member state until
3 it is enacted into the laws of all member states.

4 56-1013Q. CONSTRUCTION AND SEVERABILITY. This compact shall be lib-
5 erally construed so as to effectuate the purposes thereof. If this compact
6 shall be held contrary to the constitution of any state member thereto, the
7 compact shall remain in full force and effect as to the remaining member
8 states. Nothing in this compact supersedes state law or rules related to
9 licensure of EMS agencies.