

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1253

5 By: Representative L. Johnson
6
7

For An Act To Be Entitled

8
9 AN ACT TO ADOPT THE EMERGENCY MEDICAL SERVICES
10 PERSONNEL LICENSURE INTERSTATE COMPACT IN ARKANSAS;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14
15 TO ADOPT THE EMERGENCY MEDICAL SERVICES
16 PERSONNEL LICENSURE INTERSTATE COMPACT
17 IN ARKANSAS.
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 20, Chapter 13, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 19 – Emergency Medical Services Personnel Licensure Interstate
24 Compact

25
26 20-13-1901. Text of compact.

27 The Emergency Medical Services Personnel Licensure Interstate Compact
28 is enacted into law and entered into by this state with all states legally
29 joining therein and in the form substantially as follows:
30

31 RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE
32 COMPACT (“REPLICA”)

33
34 EMS PERSONNEL LICENSURE INTERSTATE COMPACT
35

36 SECTION 1. PURPOSE



1
2 In order to protect the public through verification of competency and ensure
3 accountability for patient care related activities all states license
4 emergency medical services (EMS) personnel, such as emergency medical
5 technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to
6 facilitate the day to day movement of EMS personnel across state boundaries
7 in the performance of their EMS duties as assigned by an appropriate
8 authority and authorize state EMS offices to afford immediate legal
9 recognition to EMS personnel licensed in a member state. This Compact
10 recognizes that states have a vested interest in protecting the public's
11 health and safety through their licensing and regulation of EMS personnel and
12 that such state regulation shared among the member states will best protect
13 public health and safety. This Compact is designed to achieve the following
14 purposes and objectives:

- 15 1. Increase public access to EMS personnel;
- 16 2. Enhance the states' ability to protect the public's health and
17 safety, especially patient safety;
- 18 3. Encourage the cooperation of member states in the areas of EMS
19 personnel licensure and regulation;
- 20 4. Support licensing of military members who are separating from an
21 active duty tour and their spouses;
- 22 5. Facilitate the exchange of information between member states
23 regarding EMS personnel licensure, adverse action and significant
24 investigatory information;
- 25 6. Promote compliance with the laws governing EMS personnel practice
26 in each member state; and
- 27 7. Invest all member states with the authority to hold EMS personnel
28 accountable through the mutual recognition of member state licenses.

29
30 SECTION 2. DEFINITIONS

31
32 In this compact:

33 A. "Advanced Emergency Medical Technician (AEMT)" means: an
34 individual licensed with cognitive knowledge and a scope of practice that
35 corresponds to that level in the National EMS Education Standards and
36 National EMS Scope of Practice Model.

1 B. “Adverse Action” means: any administrative, civil, equitable or
2 criminal action permitted by a state’s laws which may be imposed against
3 licensed EMS personnel by a state EMS authority or state court, including,
4 but not limited to, actions against an individual’s license such as
5 revocation, suspension, probation, consent agreement, monitoring or other
6 limitation or encumbrance on the individual’s practice, letters of reprimand
7 or admonition, fines, criminal convictions and state court judgments
8 enforcing adverse actions by the state EMS authority.

9 C. “Alternative program” means: a voluntary, non-disciplinary
10 substance abuse recovery program approved by a state EMS authority.

11 D. “Certification” means: the successful verification of entry-level
12 cognitive and psychomotor competency using a reliable, validated, and legally
13 defensible examination.

14 E. “Commission” means: the national administrative body of which all
15 states that have enacted the compact are members.

16 F. “Emergency Medical Technician (EMT)” means: an individual licensed
17 with cognitive knowledge and a scope of practice that corresponds to that
18 level in the National EMS Education Standards and National EMS Scope of
19 Practice Model.

20 G. “Home State” means: a member state where an individual is licensed
21 to practice emergency medical services.

22 H. “License” means: the authorization by a state for an individual to
23 practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

24 I. “Medical Director” means: a physician licensed in a member state
25 who is accountable for the care delivered by EMS personnel.

26 J. “Member State” means: a state that has enacted this compact.

27 K. “Privilege to Practice” means: an individual’s authority to
28 deliver emergency medical services in remote states as authorized under this
29 compact.

30 L. “Paramedic” means: an individual licensed with cognitive knowledge
31 and a scope of practice that corresponds to that level in the National EMS
32 Education Standards and National EMS Scope of Practice Model.

33 M. “Remote State” means: a member state in which an individual is not
34 licensed.

35 N. “Restricted” means: the outcome of an adverse action that limits a
36 license or the privilege to practice.

1 O. “Rule” means: a written statement by the interstate Commission
2 promulgated pursuant to Section 12 of this compact that is of general
3 applicability; implements, interprets, or prescribes a policy or provision of
4 the compact; or is an organizational, procedural, or practice requirement of
5 the Commission and has the force and effect of statutory law in a member
6 state and includes the amendment, repeal, or suspension of an existing rule.

7 P. “Scope of Practice” means: defined parameters of various duties or
8 services that may be provided by an individual with specific credentials.
9 Whether regulated by rule, statute, or court decision, it tends to represent
10 the limits of services an individual may perform.

11 Q. “Significant Investigatory Information” means:

12 1. .investigative information that a state EMS authority, after
13 a preliminary inquiry that includes notification and an opportunity to
14 respond if required by state law, has reason to believe, if proved true,
15 would result in the imposition of an adverse action on a license or privilege
16 to practice; or

17 2. investigative information that indicates that the individual
18 represents an immediate threat to public health and safety regardless of
19 whether the individual has been notified and had an opportunity to respond.

20 R. “State” means: means any state, commonwealth, district, or
21 territory of the United States.

22 S. “State EMS Authority” means: the board, office, or other agency
23 with the legislative mandate to license EMS personnel.

24
25 SECTION 3. HOME STATE LICENSURE
26

27 A. Any member state in which an individual holds a current license
28 shall be deemed a home state for purposes of this compact.

29 B. Any member state may require an individual to obtain and retain a
30 license to be authorized to practice in the member state under circumstances
31 not authorized by the privilege to practice under the terms of this compact.

32 C. A home state’s license authorizes an individual to practice in a
33 remote state under the privilege to practice only if the home state:

34 1. Currently requires the use of the National Registry of
35 Emergency Medical Technicians (NREMT) examination as a condition of issuing
36 initial licenses at the EMT and paramedic levels;

1 2. Has a mechanism in place for receiving and investigating
2 complaints about individuals;

3 3. Notifies the Commission, in compliance with the terms herein,
4 of any adverse action or significant investigatory information regarding an
5 individual;

6 4. No later than five years after activation of the Compact,
7 requires a criminal background check of all applicants for initial licensure,
8 including the use of the results of fingerprint or other biometric data
9 checks compliant with the requirements of the Federal Bureau of Investigation
10 with the exception of federal employees who have suitability determination in
11 accordance with US CFR §731.202 and submit documentation of such as
12 promulgated in the rules of the Commission; and

13 5. Complies with the rules of the Commission.

14
15 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

16
17 A. Member states shall recognize the privilege to practice of an
18 individual licensed in another member state that is in conformance with
19 Section 3.

20 B. To exercise the privilege to practice under the terms and
21 provisions of this compact, an individual must:

22 1. Be at least 18 years of age;

23 2. Possess a current unrestricted license in a member state as
24 an EMT, AEMT, paramedic, or state recognized and licensed level with a scope
25 of practice and authority between EMT and paramedic; and

26 3. Practice under the supervision of a medical director.

27 C. An individual providing patient care in a remote state under the
28 privilege to practice shall function within the scope of practice authorized
29 by the home state unless and until modified by an appropriate authority in
30 the remote state as may be defined in the rules of the commission.

31 D. Except as provided in Section 4 subsection C, an individual
32 practicing in a remote state will be subject to the remote state's authority
33 and laws. A remote state may, in accordance with due process and that state's
34 laws, restrict, suspend, or revoke an individual's privilege to practice in
35 the remote state and may take any other necessary actions to protect the
36 health and safety of its citizens. If a remote state takes action it shall

1 promptly notify the home state and the Commission.

2 E. If an individual's license in any home state is restricted or
3 suspended, the individual shall not be eligible to practice in a remote state
4 under the privilege to practice until the individual's home state license is
5 restored.

6 F. If an individual's privilege to practice in any remote state is
7 restricted, suspended, or revoked the individual shall not be eligible to
8 practice in any remote state until the individual's privilege to practice is
9 restored.

10
11 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

12
13 An individual may practice in a remote state under a privilege to practice
14 only in the performance of the individual's EMS duties as assigned by an
15 appropriate authority, as defined in the rules of the Commission, and under
16 the following circumstances:

17 1. The individual originates a patient transport in a home state and
18 transports the patient to a remote state;

19 2. The individual originates in the home state and enters a remote
20 state to pick up a patient and provide care and transport of the patient to
21 the home state;

22 3. The individual enters a remote state to provide patient care and/or
23 transport within that remote state;

24 4. The individual enters a remote state to pick up a patient and
25 provide care and transport to a third member state;

26 5. Other conditions as determined by rules promulgated by the
27 commission.

28
29 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

30
31 Upon a member state's governor's declaration of a state of emergency or
32 disaster that activates the Emergency Management Assistance Compact (EMAC),
33 all relevant terms and provisions of EMAC shall apply and to the extent any
34 terms or provisions of this Compact conflicts with EMAC, the terms of EMAC
35 shall prevail with respect to any individual practicing in the remote state
36 in response to such declaration.

1
2 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY,
3 AND THEIR SPOUSES

4
5 A. Member states shall consider a veteran, active military service
6 member, and member of the National Guard and Reserves separating from an
7 active duty tour, and a spouse thereof, who holds a current valid and
8 unrestricted NREMT certification at or above the level of the state license
9 being sought as satisfying the minimum training and examination requirements
10 for such licensure.

11 B. Member states shall expedite the processing of licensure
12 applications submitted by veterans, active military service members, and
13 members of the National Guard and Reserves separating from an active duty
14 tour, and their spouses.

15 C. All individuals functioning with a privilege to practice under this
16 Section remain subject to the Adverse Actions provisions of Section VIII.

17
18 SECTION 8. ADVERSE ACTIONS

19
20 A. A home state shall have exclusive power to impose adverse action
21 against an individual's license issued by the home state.

22 B. If an individual's license in any home state is restricted or
23 suspended, the individual shall not be eligible to practice in a remote state
24 under the privilege to practice until the individual's home state license is
25 restored.

26 1. All home state adverse action orders shall include a
27 statement that the individual's compact privileges are inactive. The order
28 may allow the individual to practice in remote states with prior written
29 authorization from both the home state and remote state's EMS authority.

30 2. An individual currently subject to adverse action in the home
31 state shall not practice in any remote state without prior written
32 authorization from both the home state and remote state's EMS authority.

33 C. A member state shall report adverse actions and any occurrences
34 that the individual's compact privileges are restricted, suspended, or
35 revoked to the Commission in accordance with the rules of the Commission.

36 D. A remote state may take adverse action on an individual's privilege

1 to practice within that state.

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

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

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

17
18 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

19
20 A member state's EMS authority, in addition to any other powers granted under
21 state law, is authorized under this compact to:

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

32 2. Issue cease and desist orders to restrict, suspend, or revoke an
33 individual's privilege to practice in the state.

34
35 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL
36 PRACTICE

1
2 A. The Compact states hereby create and establish a joint public
3 agency known as the Interstate Commission for EMS Personnel Practice.

4 1. The Commission is a body politic and an instrumentality of
5 the Compact states.

6 2. Venue is proper and judicial proceedings by or against the
7 Commission shall be brought solely and exclusively in a court of competent
8 jurisdiction where the principal office of the Commission is located. The
9 Commission may waive venue and jurisdictional defenses to the extent it
10 adopts or consents to participate in alternative dispute resolution
11 proceedings.

12 3. Nothing in this Compact shall be construed to be a waiver of
13 sovereign immunity.

14 B. Membership, Voting, and Meetings

15 1. Each member state shall have and be limited to one (1)
16 delegate. The responsible official of the state EMS authority or his designee
17 shall be the delegate to this Compact for each member state. Any delegate
18 may be removed or suspended from office as provided by the law of the state
19 from which the delegate is appointed. Any vacancy occurring in the
20 Commission shall be filled in accordance with the laws of the member state in
21 which the vacancy exists. In the event that more than one board, office, or
22 other agency with the legislative mandate to license EMS personnel at and
23 above the level of EMT exists, the Governor of the state will determine which
24 entity will be responsible for assigning the delegate.

25 2. Each delegate shall be entitled to one (1) vote with regard
26 to the promulgation of rules and creation of bylaws and shall otherwise have
27 an opportunity to participate in the business and affairs of the Commission.
28 A delegate shall vote in person or by such other means as provided in the
29 bylaws. The bylaws may provide for delegates' participation in meetings by
30 telephone or other means of communication.

31 3. The Commission shall meet at least once during each calendar
32 year. Additional meetings shall be held as set forth in the bylaws.

33 4. All meetings shall be open to the public, and public notice
34 of meetings shall be given in the same manner as required under the
35 rulemaking provisions in Section XII.

36 5. The Commission may convene in a closed, non-public meeting if

1 the Commission must discuss:

2 a. Non-compliance of a member state with its obligations
3 under the Compact;

4 b. The employment, compensation, discipline or other
5 personnel matters, practices or procedures related to specific employees or
6 other matters related to the Commission's internal personnel practices and
7 procedures;

8 c. Current, threatened, or reasonably anticipated
9 litigation;

10 d. Negotiation of contracts for the purchase or sale of
11 goods, services, or real estate;

12 e. Accusing any person of a crime or formally censuring
13 any person;

14 f. Disclosure of trade secrets or commercial or financial
15 information that is privileged or confidential;

16 g. Disclosure of information of a personal nature where
17 disclosure would constitute a clearly unwarranted invasion of personal
18 privacy;

19 h. Disclosure of investigatory records compiled for law
20 enforcement purposes;

21 i. Disclosure of information related to any investigatory
22 reports prepared by or on behalf of or for use of the Commission or other
23 committee charged with responsibility of investigation or determination of
24 compliance issues pursuant to the compact; or

25 j. Matters specifically exempted from disclosure by
26 federal or member state statute.

27 6. If a meeting, or portion of a meeting, is closed pursuant to
28 this provision, the Commission's legal counsel or designee shall certify that
29 the meeting may be closed and shall reference each relevant exempting
30 provision. The Commission shall keep minutes that fully and clearly describe
31 all matters discussed in a meeting and shall provide a full and accurate
32 summary of actions taken, and the reasons therefore, including a description
33 of the views expressed. All documents considered in connection with an action
34 shall be identified in such minutes. All minutes and documents of a closed
35 meeting shall remain under seal, subject to release by a majority vote of the
36 Commission or order of a court of competent jurisdiction.

1 C. The Commission shall, by a majority vote of the delegates,
2 prescribe bylaws and/or rules to govern its conduct as may be necessary or
3 appropriate to carry out the purposes and exercise the powers of the compact,
4 including but not limited to:

5 1. Establishing the fiscal year of the Commission;

6 2. Providing reasonable standards and procedures:

7 a. for the establishment and meetings of other committees;

8 and

9 b. governing any general or specific delegation of any
10 authority or function of the Commission;

11 3. Providing reasonable procedures for calling and conducting
12 meetings of the Commission, ensuring reasonable advance notice of all
13 meetings, and providing an opportunity for attendance of such meetings by
14 interested parties, with enumerated exceptions designed to protect the
15 public's interest, the privacy of individuals, and proprietary information,
16 including trade secrets. The Commission may meet in closed session only after
17 a majority of the membership votes to close a meeting in whole or in part. As
18 soon as practicable, the Commission must make public a copy of the vote to
19 close the meeting revealing the vote of each member with no proxy votes
20 allowed;

21 4. Establishing the titles, duties and authority, and reasonable
22 procedures for the election of the officers of the Commission;

23 5. Providing reasonable standards and procedures for the
24 establishment of the personnel policies and programs of the Commission.
25 Notwithstanding any civil service or other similar laws of any member state,
26 the bylaws shall exclusively govern the personnel policies and programs of
27 the Commission;

28 6. Promulgating a code of ethics to address permissible and
29 prohibited activities of Commission members and employees;

30 7. Providing a mechanism for winding up the operations of the
31 Commission and the equitable disposition of any surplus funds that may exist
32 after the termination of the Compact after the payment and/or reserving of
33 all of its debts and obligations;

34 8. The Commission shall publish its bylaws and file a copy
35 thereof, and a copy of any amendment thereto, with the appropriate agency or
36 officer in each of the member states, if any.

1 9. The Commission shall maintain its financial records in
2 accordance with the bylaws.

3 10. The Commission shall meet and take such actions as are
4 consistent with the provisions of this Compact and the bylaws.

5 D. The Commission shall have the following powers:

6 1. The authority to promulgate uniform rules to facilitate and
7 coordinate implementation and administration of this Compact. The rules shall
8 have the force and effect of law and shall be binding in all member states;

9 2. To bring and prosecute legal proceedings or actions in the
10 name of the Commission, provided that the standing of any state EMS authority
11 or other regulatory body responsible for EMS personnel licensure to sue or be
12 sued under applicable law shall not be affected;

13 3. To purchase and maintain insurance and bonds;

14 4. To borrow, accept, or contract for services of personnel,
15 including, but not limited to, employees of a member state;

16 5. To hire employees, elect or appoint officers, fix
17 compensation, define duties, grant such individuals appropriate authority to
18 carry out the purposes of the compact, and to establish the Commission's
19 personnel policies and programs relating to conflicts of interest,
20 qualifications of personnel, and other related personnel matters;

21 6. To accept any and all appropriate donations and grants of
22 money, equipment, supplies, materials and services, and to receive, utilize
23 and dispose of the same; provided that at all times the Commission shall
24 strive to avoid any appearance of impropriety and/or conflict of interest;

25 7. To lease, purchase, accept appropriate gifts or donations of,
26 or otherwise to own, hold, improve or use, any property, real, personal or
27 mixed; provided that at all times the Commission shall strive to avoid any
28 appearance of impropriety;

29 8. To sell convey, mortgage, pledge, lease, exchange, abandon,
30 or otherwise dispose of any property real, personal, or mixed;

31 9. To establish a budget and make expenditures;

32 10. To borrow money;

33 11. To appoint committees, including advisory committees
34 comprised of members, state regulators, state legislators or their
35 representatives, and consumer representatives, and such other interested
36 persons as may be designated in this compact and the bylaws;

1 12. To provide and receive information from, and to cooperate
2 with, law enforcement agencies;

3 13. To adopt and use an official seal; and

4 14. To perform such other functions as may be necessary or
5 appropriate to achieve the purposes of this Compact consistent with the state
6 regulation of EMS personnel licensure and practice.

7 E. Financing of the Commission

8 1. The Commission shall pay, or provide for the payment of, the
9 reasonable expenses of its establishment, organization, and ongoing
10 activities.

11 2. The Commission may accept any and all appropriate revenue
12 sources, donations, and grants of money, equipment, supplies, materials, and
13 services.

14 3. The Commission may levy on and collect an annual assessment
15 from each member state or impose fees on other parties to cover the cost of
16 the operations and activities of the Commission and its staff, which must be
17 in a total amount sufficient to cover its annual budget as approved each year
18 for which revenue is not provided by other sources. The aggregate annual
19 assessment amount shall be allocated based upon a formula to be determined by
20 the Commission, which shall promulgate a rule binding upon all member states.

21 4. The Commission shall not incur obligations of any kind prior
22 to securing the funds adequate to meet the same; nor shall the Commission
23 pledge the credit of any of the member states, except by and with the
24 authority of the member state.

25 5. The Commission shall keep accurate accounts of all receipts
26 and disbursements. The receipts and disbursements of the Commission shall be
27 subject to the audit and accounting procedures established under its bylaws.
28 However, all receipts and disbursements of funds handled by the Commission
29 shall be audited yearly by a certified or licensed public accountant, and the
30 report of the audit shall be included in and become part of the annual report
31 of the Commission.

32 F. Qualified Immunity, Defense, and Indemnification

33 1. The members, officers, executive director, employees and
34 representatives of the Commission shall be immune from suit and liability,
35 either personally or in their official capacity, for any claim for damage to
36 or loss of property or personal injury or other civil liability caused by or

1 arising out of any actual or alleged act, error or omission that occurred, or
2 that the person against whom the claim is made had a reasonable basis for
3 believing occurred within the scope of Commission employment, duties or
4 responsibilities; provided that nothing in this paragraph shall be construed
5 to protect any such person from suit and/or liability for any damage, loss,
6 injury, or liability caused by the intentional or willful or wanton
7 misconduct of that person.

8 2. The Commission shall defend any member, officer, executive
9 director, employee or representative of the Commission in any civil action
10 seeking to impose liability arising out of any actual or alleged act, error,
11 or omission that occurred within the scope of Commission employment, duties,
12 or responsibilities, or that the person against whom the claim is made had a
13 reasonable basis for believing occurred within the scope of Commission
14 employment, duties, or responsibilities; provided that nothing herein shall
15 be construed to prohibit that person from retaining his or her own counsel;
16 and provided further, that the actual or alleged act, error, or omission did
17 not result from that person's intentional or willful or wanton misconduct.

18 3. The Commission shall indemnify and hold harmless any member,
19 officer, executive director, employee, or representative of the Commission
20 for the amount of any settlement or judgment obtained against that person
21 arising out of any actual or alleged act, error or omission that occurred
22 within the scope of Commission employment, duties, or responsibilities, or
23 that such person had a reasonable basis for believing occurred within the
24 scope of Commission employment, duties, or responsibilities, provided that
25 the actual or alleged act, error, or omission did not result from the
26 intentional or willful or wanton misconduct of that person.

27
28 SECTION 11. COORDINATED DATABASE
29

30 A. The Commission shall provide for the development and maintenance of
31 a coordinated database and reporting system containing licensure, adverse
32 action, and significant investigatory information on all licensed individuals
33 in member states.

34 B. Notwithstanding any other provision of state law to the contrary, a
35 member state shall submit a uniform data set to the coordinated database on
36 all individuals to whom this compact is applicable as required by the rules

1 of the Commission, including:

2 1. Identifying information;

3 2. Licensure data;

4 3. Significant investigatory information;

5 4. Adverse actions against an individual's license;

6 5. An indicator that an individual's privilege to practice is
7 restricted, suspended or revoked;

8 6. Non-confidential information related to alternative program
9 participation;

10 7. Any denial of application for licensure, and the reason(s)
11 for such denial; and

12 8. Other information that may facilitate the administration of
13 this Compact, as determined by the rules of the Commission.

14 C. The coordinated database administrator shall promptly notify all
15 member states of any adverse action taken against, or significant
16 investigative information on, any individual in a member state.

17 D. Member states contributing information to the coordinated database
18 may designate information that may not be shared with the public without the
19 express permission of the contributing state.

20 E. Any information submitted to the coordinated database that is
21 subsequently required to be expunged by the laws of the member state
22 contributing the information shall be removed from the coordinated database.

23
24 SECTION 12. RULEMAKING

25
26 A. The Commission shall exercise its rulemaking powers pursuant to the
27 criteria set forth in this Section and the rules adopted thereunder. Rules
28 and amendments shall become binding as of the date specified in each rule or
29 amendment.

30 B. If a majority of the legislatures of the member states rejects a
31 rule, by enactment of a statute or resolution in the same manner used to
32 adopt the Compact, then such rule shall have no further force and effect in
33 any member state.

34 C. Rules or amendments to the rules shall be adopted at a regular or
35 special meeting of the Commission.

36 D. Prior to promulgation and adoption of a final rule or rules by the

1 Commission, and at least sixty (60) days in advance of the meeting at which
2 the rule will be considered and voted upon, the Commission shall file a
3 Notice of Proposed Rulemaking:

4 1. On the website of the Commission; and
5 2. On the website of each member state EMS authority or the
6 publication in which each state would otherwise publish proposed rules.

7 E. The Notice of Proposed Rulemaking shall include:

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

10 2. The text of the proposed rule or amendment and the reason for
11 the proposed rule;

12 3. A request for comments on the proposed rule from any
13 interested person; and

14 4. The manner in which interested persons may submit notice to
15 the Commission of their intention to attend the public hearing and any
16 written comments.

17 F. Prior to adoption of a proposed rule, the Commission shall allow
18 persons to submit written data, facts, opinions, and arguments, which shall
19 be made available to the public.

20 G. The Commission shall grant an opportunity for a public hearing
21 before it adopts a rule or amendment if a hearing is requested by:

22 1. At least twenty-five (25) persons;

23 2. A governmental subdivision or agency; or

24 3. An association having at least twenty-five (25) members.

25 H. If a hearing is held on the proposed rule or amendment, the
26 Commission shall publish the place, time, and date of the scheduled public
27 hearing.

28 1. All persons wishing to be heard at the hearing shall notify
29 the executive director of the Commission or other designated member in
30 writing of their desire to appear and testify at the hearing not less than
31 five (5) business days before the scheduled date of the hearing.

32 2. Hearings shall be conducted in a manner providing each person
33 who wishes to comment a fair and reasonable opportunity to comment orally or
34 in writing.

35 3. No transcript of the hearing is required, unless a written
36 request for a transcript is made, in which case the person requesting the

1 transcript shall bear the cost of producing the transcript. A recording may
2 be made in lieu of a transcript under the same terms and conditions as a
3 transcript. This subsection shall not preclude the Commission from making a
4 transcript or recording of the hearing if it so chooses.

5 4. Nothing in this section shall be construed as requiring a
6 separate hearing on each rule. Rules may be grouped for the convenience of
7 the Commission at hearings required by this section.

8 I. Following the scheduled hearing date, or by the close of business
9 on the scheduled hearing date if the hearing was not held, the Commission
10 shall consider all written and oral comments received.

11 J. The Commission shall, by majority vote of all members, take final
12 action on the proposed rule and shall determine the effective date of the
13 rule, if any, based on the rulemaking record and the full text of the rule.

14 K. If no written notice of intent to attend the public hearing by
15 interested parties is received, the Commission may proceed with promulgation
16 of the proposed rule without a public hearing.

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

- 24 1. Meet an imminent threat to public health, safety, or welfare;
25 2. Prevent a loss of Commission or member state funds;
26 3. Meet a deadline for the promulgation of an administrative
27 rule that is established by federal law or rule; or
28 4. Protect public health and safety.

29 M. The Commission or an authorized committee of the Commission may
30 direct revisions to a previously adopted rule or amendment for purposes of
31 correcting typographical errors, errors in format, errors in consistency, or
32 grammatical errors. Public notice of any revisions shall be posted on the
33 website of the Commission. The revision shall be subject to challenge by any
34 person for a period of thirty (30) days after posting. The revision may be
35 challenged only on grounds that the revision results in a material change to
36 a rule. A challenge shall be made in writing, and delivered to the chair of

1 the Commission prior to the end of the notice period. If no challenge is
2 made, the revision will take effect without further action. If the revision
3 is challenged, the revision may not take effect without the approval of the
4 Commission.

5
6 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

7
8 A. Oversight

9 1. The executive, legislative, and judicial branches of state
10 government in each member state shall enforce this compact and take all
11 actions necessary and appropriate to effectuate the compact's purposes and
12 intent. The provisions of this compact and the rules promulgated hereunder
13 shall have standing as statutory law.

14 2. All courts shall take judicial notice of the compact and the
15 rules in any judicial or administrative proceeding in a member state
16 pertaining to the subject matter of this compact which may affect the powers,
17 responsibilities or actions of the Commission.

18 3. The Commission shall be entitled to receive service of
19 process in any such proceeding, and shall have standing to intervene in such
20 a proceeding for all purposes. Failure to provide service of process to the
21 Commission shall render a judgment or order void as to the Commission, this
22 Compact, or promulgated rules.

23 B. Default, Technical Assistance, and Termination

24 1. If the Commission determines that a member state has
25 defaulted in the performance of its obligations or responsibilities under
26 this compact or the promulgated rules, the Commission shall:

27 a. Provide written notice to the defaulting state and
28 other member states of the nature of the default, the proposed means of
29 curing the default and/or any other action to be taken by the Commission; and

30 b. Provide remedial training and specific technical
31 assistance regarding the default.

32 2. If a state in default fails to cure the default, the
33 defaulting state may be terminated from the Compact upon an affirmative vote
34 of a majority of the member states, and all rights, privileges and benefits
35 conferred by this compact may be terminated on the effective date of
36 termination. A cure of the default does not relieve the offending state of

1 obligations or liabilities incurred during the period of default.

2 3. Termination of membership in the compact shall be imposed
3 only after all other means of securing compliance have been exhausted. Notice
4 of intent to suspend or terminate shall be given by the Commission to the
5 governor, the majority and minority leaders of the defaulting state's
6 legislature, and each of the member states.

7 4. A state that has been terminated is responsible for all
8 assessments, obligations, and liabilities incurred through the effective date
9 of termination, including obligations that extend beyond the effective date
10 of termination.

11 5. The Commission shall not bear any costs related to a state
12 that is found to be in default or that has been terminated from the compact,
13 unless agreed upon in writing between the Commission and the defaulting
14 state.

15 6. The defaulting state may appeal the action of the Commission
16 by petitioning the U.S. District Court for the District of Columbia or the
17 federal district where the Commission has its principal offices. The
18 prevailing member shall be awarded all costs of such litigation, including
19 reasonable attorney's fees.

20 C. Dispute Resolution

21 1. Upon request by a member state, the Commission shall attempt
22 to resolve disputes related to the compact that arise among member states and
23 between member and non-member states.

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

26 D. Enforcement

27 1. The Commission, in the reasonable exercise of its discretion,
28 shall enforce the provisions and rules of this compact.

29 2. By majority vote, the Commission may initiate legal action in
30 the United States District Court for the District of Columbia or the federal
31 district where the Commission has its principal offices against a member
32 state in default to enforce compliance with the provisions of the compact and
33 its promulgated rules and bylaws. The relief sought may include both
34 injunctive relief and damages. In the event judicial enforcement is
35 necessary, the prevailing member shall be awarded all costs of such
36 litigation, including reasonable attorney's fees.

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

4
5 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
6 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

7
8 A. The compact shall come into effect on the date on which the compact
9 statute is enacted into law in the tenth member state. The provisions, which
10 become effective at that time, shall be limited to the powers granted to the
11 Commission relating to assembly and the promulgation of rules. Thereafter,
12 the Commission shall meet and exercise rulemaking powers necessary to the
13 implementation and administration of the compact.

14 B. Any state that joins the compact subsequent to the Commission's
15 initial adoption of the rules shall be subject to the rules as they exist on
16 the date on which the compact becomes law in that state. Any rule that has
17 been previously adopted by the Commission shall have the full force and
18 effect of law on the day the compact becomes law in that state.

19 C. Any member state may withdraw from this compact by enacting a
20 statute repealing the same.

21 1. A member state's withdrawal shall not take effect until six
22 (6) months after enactment of the repealing statute.

23 2. Withdrawal shall not affect the continuing requirement of the
24 withdrawing state's EMS authority to comply with the investigative and
25 adverse action reporting requirements of this act prior to the effective date
26 of withdrawal.

27 D. Nothing contained in this compact shall be construed to invalidate
28 or prevent any EMS personnel licensure agreement or other cooperative
29 arrangement between a member state and a non-member state that does not
30 conflict with the provisions of this compact.

31 E. This Compact may be amended by the member states. No amendment to
32 this Compact shall become effective and binding upon any member state until
33 it is enacted into the laws of all member states.

34
35 SECTION 15. CONSTRUCTION AND SEVERABILITY

36

1 This Compact shall be liberally construed so as to effectuate the purposes
2 thereof. If this compact shall be held contrary to the constitution of any
3 state member thereto, the compact shall remain in full force and effect as to
4 the remaining member states. Nothing in this compact supersedes state law or
5 rules related to licensure of EMS agencies.

6
7 20-13-1902. Administration of compact – Rules.

8 (a) The Department of Health is the Emergency Medical Services
9 Personnel Licensure Interstate Compact administrator in this state.

10 (b) The department may adopt rules consistent with the compact that
11 are necessary to implement this subchapter.

12 (c) The department is not required to adopt the rules of the
13 Interstate Commission for EMS Personnel Practice for those rules to be
14 effective in this state.

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