

Senate Bill 109

By: Senators Williams of the 27th, Hill of the 6th, Harper of the 7th, Albers of the 56th, Miller of the 49th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to
2 emergency management, so as to provide for the enactment of the "Recognition of
3 Emergency Medical Services Personnel Licensure Interstate Compact" ("REPLICA"); to
4 provide a short title; to provide for the purpose of the compact; to provide for definitions; to
5 provide for home state licensure; to provide for privilege to practice; to provide for
6 conditions to practice in a remote state; to provide for a relationship with the Emergency
7 Management Assistance Compact; to provide for veterans and service members separating
8 from active duty military; to provide for adverse actions; to provide for additional powers in
9 a member state's authority; to establish the Interstate Commission for EMS Personnel
10 Practice; to provide for a coordinated database; to provide for rulemaking; to provide for
11 oversight, dispute resolution, and enforcement; to provide for contingent effectiveness of the
12 compact; to provide for construction and severability; to provide for related matters; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency
17 management, is amended by adding a new article to read as follows:

18 style="text-align:center">"ARTICLE 4

19 38-3-70.

20 This article shall be known and may be referred to as the 'Recognition of Emergency
21 Medical Services Personnel Licensure Interstate Compact (REPLICA).'

22 38-3-71.

23 Section 1. Purpose.

24 In order to protect the public through verification of competency and ensure accountability
25 for patient care related activities all states license emergency medical services (EMS)
26 personnel, such as emergency medical technicians (EMTs), advanced EMTs, and
27 paramedics. This Compact is intended to facilitate the day-to-day movement of EMS
28 personnel across state boundaries in the performance of their EMS duties as assigned by
29 an appropriate authority and authorize state EMS offices to afford immediate legal
30 recognition to EMS personnel licensed in a member state. This Compact recognizes that
31 states have a vested interest in protecting the public's health and safety through their
32 licensing and regulation of EMS personnel and that such state regulation shared among the
33 member states will best protect public health and safety. This Compact is designed to
34 achieve the following purposes and objectives:

35 (1) Increase public access to EMS personnel;

36 (2) Enhance the states' ability to protect the public's health and safety, especially patient
37 safety;

38 (3) Encourage the cooperation of member states in the areas of EMS personnel licensure
39 and regulation;

40 (4) Support licensing of military members who are separating from an active duty tour
41 and their spouses;

42 (5) Facilitate the exchange of information between member states regarding EMS
43 personnel licensure, adverse action, and significant investigatory information;

44 (6) Promote compliance with the laws governing EMS personnel practice in each
45 member state; and

46 (7) Invest all member states with the authority to hold EMS personnel accountable
47 through the mutual recognition of member state licenses.

48 Section 2. Definitions.

49 In this compact:

50 (A) 'Advanced Emergency Medical Technician (AEMT)' means: an individual licensed
51 with cognitive knowledge and a scope of practice that corresponds to that level in the
52 National EMS Education Standards and National EMS Scope of Practice Model.

53 (B) 'Adverse Action' means: any administrative, civil, equitable, or criminal action
54 permitted by a state's laws which may be imposed against licensed EMS personnel by a
55 state EMS authority or state court, including, but not limited to, actions against an
56 individual's license such as revocation, suspension, probation, consent agreement,
57 monitoring, or other limitation or encumbrance on the individual's practice, letters of

- 58 reprimand or admonition, fines, criminal convictions, and state court judgments enforcing
59 adverse actions by the state EMS authority.
- 60 (C) 'Alternative program' means: a voluntary, non-disciplinary substance abuse recovery
61 program approved by a state EMS authority.
- 62 (D) 'Certification' means: the successful verification of entry-level cognitive and
63 psychomotor competency using a reliable, validated, and legally defensible examination.
- 64 (E) 'Commission' means: the national administrative body of which all states that have
65 enacted the compact are members.
- 66 (F) 'Emergency Medical Technician (EMT)' means: an individual licensed with cognitive
67 knowledge and a scope of practice that corresponds to that level in the National EMS
68 Education Standards and National EMS Scope of Practice Model.
- 69 (G) 'Home State' means: a member state where an individual is licensed to practice
70 emergency medical services.
- 71 (H) 'License' means: the authorization by a state for an individual to practice as an EMT,
72 AEMT, paramedic, or a level in between EMT and paramedic.
- 73 (I) 'Medical Director' means: a physician licensed in a member state who is accountable
74 for the care delivered by EMS personnel.
- 75 (J) 'Member State' means: a state that has enacted this compact.
- 76 (K) 'Paramedic' means: an individual licensed with cognitive knowledge and a scope of
77 practice that corresponds to that level in the National EMS Education Standards and
78 National EMS Scope of Practice Model.
- 79 (L) 'Privilege to Practice' means: an individual's authority to deliver emergency medical
80 services in remote states as authorized under this compact.
- 81 (M) 'Remote State' means: a member state in which an individual is not licensed.
- 82 (N) 'Restricted' means: the outcome of an adverse action that limits a license or the
83 privilege to practice.
- 84 (O) 'Rule' means: a written statement by the interstate Commission promulgated pursuant
85 to Section 12 of this compact that is of general applicability; implements, interprets, or
86 prescribes a policy or provision of the compact; or is an organizational, procedural, or
87 practice requirement of the Commission and has the force and effect of statutory law in a
88 member state and includes the amendment, repeal, or suspension of an existing rule.
- 89 (P) 'Scope of Practice' means: defined parameters of various duties or services that may
90 be provided by an individual with specific credentials. Whether regulated by rule, statute,
91 or court decision, it tends to represent the limits of services an individual may perform.
- 92 (Q) 'Significant Investigatory Information' means:
- 93 (1) Investigative information that a state EMS authority, after a preliminary inquiry that
94 includes notification and an opportunity to respond if required by state law, has reason

95 to believe, if proved true, would result in the imposition of an adverse action on a license
96 or privilege to practice; or

97 (2) Investigative information that indicates that the individual represents an immediate
98 threat to public health and safety regardless of whether the individual has been notified
99 and had an opportunity to respond.

100 (R) 'State' means: means any state, commonwealth, district, or territory of the United
101 States.

102 (S) 'State EMS Authority' means: the board, office, or other agency with the legislative
103 mandate to license EMS personnel.

104 Section 3. Home State Licensure.

105 (A) Any member state in which an individual holds a current license shall be deemed a
106 home state for purposes of this compact.

107 (B) Any member state may require an individual to obtain and retain a license to be
108 authorized to practice in the member state under circumstances not authorized by the
109 privilege to practice under the terms of this compact.

110 (C) A home state's license authorizes an individual to practice in a remote state under the
111 privilege to practice only if the home state:

112 (1) Currently requires the use of the National Registry of Emergency Medical
113 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT
114 and paramedic levels;

115 (2) Has a mechanism in place for receiving and investigating complaints about
116 individuals;

117 (3) Notifies the Commission, in compliance with the terms herein, of any adverse action
118 or significant investigatory information regarding an individual;

119 (4) No later than five years after activation of the Compact, requires a criminal
120 background check of all applicants for initial licensure, including the use of the results
121 of fingerprint or other biometric data checks compliant with the requirements of the
122 Federal Bureau of Investigation with the exception of federal employees who have
123 suitability determination in accordance with US CFR §731.202 and submit
124 documentation of such as promulgated in the rules of the Commission; and

125 (5) Complies with the rules of the Commission.

126 Section 4. Compact Privilege to Practice.

127 (A) Member states shall recognize the privilege to practice of an individual licensed in
128 another member state that is in conformance with Section 3.

129 (B) To exercise the privilege to practice under the terms and provisions of this compact,
130 an individual must:

131 (1) Be at least 18 years of age;

132 (2) Possess a current unrestricted license in a member state as an EMT, AEMT,
133 paramedic, or state recognized and licensed level with a scope of practice and authority
134 between EMT and paramedic; and

135 (3) Practice under the supervision of a medical director.

136 (C) An individual providing patient care in a remote state under the privilege to practice
137 shall function within the scope of practice authorized by the home state unless and until
138 modified by an appropriate authority in the remote state as may be defined in the rules of
139 the Commission.

140 (D) Except as provided in subsection (C) of this section, an individual practicing in a
141 remote state will be subject to the remote state's authority and laws. A remote state may,
142 in accordance with due process and that state's laws, restrict, suspend, or revoke an
143 individual's privilege to practice in the remote state and may take any other necessary
144 actions to protect the health and safety of its citizens. If a remote state takes action it shall
145 promptly notify the home state and the Commission.

146 (E) If an individual's license in any home state is restricted or suspended, the individual
147 shall not be eligible to practice in a remote state under the privilege to practice until the
148 individual's home state license is restored.

149 (F) If an individual's privilege to practice in any remote state is restricted, suspended, or
150 revoked the individual shall not be eligible to practice in any remote state until the
151 individual's privilege to practice is restored.

152 Section 5. Conditions of Practice in a Remote State.

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

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

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

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

162 (4) The individual enters a remote state to pick up a patient and provide care and
163 transport to a third member state; or

164 (5) Other conditions as determined by rules promulgated by the Commission.

165 Section 6. Relationship to Emergency Management Assistance Compact.

166 Upon a member state's governor's declaration of a state of emergency or disaster that
167 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
168 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
169 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual
170 practicing in the remote state in response to such declaration.

171 Section 7. Veterans, Service Members Separating from Active Duty Military, and Their
172 Spouses.

173 (A) Member states shall consider a veteran, active military service member, and member
174 of the National Guard and Reserves separating from an active duty tour, and a spouse
175 thereof, who holds a current valid and unrestricted NREMT certification at or above the
176 level of the state license being sought as satisfying the minimum training and examination
177 requirements for such licensure.

178 (B) Member states shall expedite the processing of licensure applications submitted by
179 veterans, active military service members, and members of the National Guard and
180 Reserves separating from an active duty tour, and their spouses.

181 (C) All individuals functioning with a privilege to practice under this Section remain
182 subject to the Adverse Actions provisions of Section 8.

183 Section 8. Adverse Actions.

184 (A) A home state shall have exclusive power to impose adverse action against an
185 individual's license issued by the home state.

186 (B) If an individual's license in any home state is restricted or suspended, the individual
187 shall not be eligible to practice in a remote state under the privilege to practice until the
188 individual's home state license is restored.

189 (1) All home state adverse action orders shall include a statement that the individual's
190 compact privileges are inactive. The order may allow the individual to practice in remote
191 states with prior written authorization from both the home state and remote state's EMS
192 authority.

193 (2) An individual currently subject to adverse action in the home state shall not practice
194 in any remote state without prior written authorization from both the home state and
195 remote state's EMS authority.

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

199 (D) A remote state may take adverse action on an individual's privilege to practice within
 200 that state.

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

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

208 (G) Nothing in this Compact shall override a member state's decision that participation in
 209 an alternative program may be used in lieu of adverse action and that such participation
 210 shall remain non-public if required by the member state's laws. Member states must
 211 require individuals who enter any alternative programs to agree not to practice in any other
 212 member state during the term of the alternative program without prior authorization from
 213 such other member state.

214 Section 9. Additional Powers Invested in a Member State's EMS Authority.

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

217 (1) Issue subpoenas for both hearings and investigations that require the attendance and
 218 testimony of witnesses and the production of evidence. Subpoenas issued by a member
 219 state's EMS authority for the attendance and testimony of witnesses, and/or the
 220 production of evidence from another member state, shall be enforced in the remote state
 221 by any court of competent jurisdiction, according to that court's practice and procedure
 222 in considering subpoenas issued in its own proceedings. The issuing state EMS authority
 223 shall pay any witness fees, travel expenses, mileage, and other fees required by the
 224 service statutes of the state where the witnesses and/or evidence are located; and

225 (2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege
 226 to practice in the state.

227 Section 10. Establishment of the Interstate Commission for EMS Personnel Practice.

228 (A) The Compact states hereby create and establish a joint public agency known as the
 229 Interstate Commission for EMS Personnel Practice.

230 (1) The Commission is a body politic and an instrumentality of the Compact states.

231 (2) Venue is proper and judicial proceedings by or against the Commission shall be
 232 brought solely and exclusively in a court of competent jurisdiction where the principal
 233 office of the Commission is located. The Commission may waive venue and

234 jurisdictional defenses to the extent it adopts or consents to participate in alternative
235 dispute resolution proceedings.

236 (3) Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

237 (B) Membership, Voting, and Meetings

238 (1) Each member state shall have and be limited to one (1) delegate. The responsible
239 official of the state EMS authority or his or her designee shall be the delegate to this
240 Compact for each member state. Any delegate may be removed or suspended from office
241 as provided by the law of the state from which the delegate is appointed. Any vacancy
242 occurring in the Commission shall be filled in accordance with the laws of the member
243 state in which the vacancy exists. In the event that more than one board, office, or other
244 agency with the legislative mandate to license EMS personnel at and above the level of
245 EMT exists, the Governor of the state will determine which entity will be responsible for
246 assigning the delegate.

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

252 (3) The Commission shall meet at least once during each calendar year. Additional
253 meetings shall be held as set forth in the bylaws.

254 (4) All meetings shall be open to the public, and public notice of meetings shall be given
255 in the same manner as required under the rulemaking provisions in Section 12.

256 (5) The Commission may convene in a closed, non-public meeting if the Commission
257 must discuss:

258 (a) Non-compliance of a member state with its obligations under the Compact;

259 (b) The employment, compensation, discipline or other personnel matters, practices or
260 procedures related to specific employees, or other matters related to the Commission's
261 internal personnel practices and procedures;

262 (c) Current, threatened, or reasonably anticipated litigation;

263 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

264 (e) Accusing any person of a crime or formally censuring any person;

265 (f) Disclosure of trade secrets or commercial or financial information that is privileged
266 or confidential;

267 (g) Disclosure of information of a personal nature where disclosure would constitute
268 a clearly unwarranted invasion of personal privacy;

269 (h) Disclosure of investigatory records compiled for law enforcement purposes;

270 (i) Disclosure of information related to any investigatory reports prepared by or on
 271 behalf of or for use of the Commission or other committee charged with responsibility
 272 of investigation or determination of compliance issues pursuant to the compact; or
 273 (j) Matters specifically exempted from disclosure by federal or member state statute.
 274 (6) If a meeting, or portion of a meeting, is closed pursuant to this provision, the
 275 Commission's legal counsel or designee shall certify that the meeting may be closed and
 276 shall reference each relevant exempting provision. The Commission shall keep minutes
 277 that fully and clearly describe all matters discussed in a meeting and shall provide a full
 278 and accurate summary of actions taken, and the reasons therefore, including a description
 279 of the views expressed. All documents considered in connection with an action shall be
 280 identified in such minutes. All minutes and documents of a closed meeting shall remain
 281 under seal, subject to release by a majority vote of the Commission or order of a court of
 282 competent jurisdiction.

283 (C) The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or
 284 rules to govern its conduct as may be necessary or appropriate to carry out the purposes and
 285 exercise the powers of the compact, including, but not limited to:

286 (1) Establishing the fiscal year of the Commission;
 287 (2) Providing reasonable standards and procedures:
 288 (a) For the establishment and meetings of other committees; and
 289 (b) Governing any general or specific delegation of any authority or function of the
 290 Commission;

291 (3) Providing reasonable procedures for calling and conducting meetings of the
 292 Commission, ensuring reasonable advance notice of all meetings, and providing an
 293 opportunity for attendance of such meetings by interested parties, with enumerated
 294 exceptions designed to protect the public's interest, the privacy of individuals, and
 295 proprietary information, including trade secrets. The Commission may meet in closed
 296 session only after a majority of the membership votes to close a meeting in whole or in
 297 part. As soon as practicable, the Commission must make public a copy of the vote to
 298 close the meeting revealing the vote of each member with no proxy votes allowed;

299 (4) Establishing the titles, duties and authority, and reasonable procedures for the
 300 election of the officers of the Commission;

301 (5) Providing reasonable standards and procedures for the establishment of the personnel
 302 policies and programs of the Commission. Notwithstanding any civil service or other
 303 similar laws of any member state, the bylaws shall exclusively govern the personnel
 304 policies and programs of the Commission;

305 (6) Promulgating a code of ethics to address permissible and prohibited activities of
 306 Commission members and employees;

307 (7) Providing a mechanism for winding up the operations of the Commission and the
308 equitable disposition of any surplus funds that may exist after the termination of the
309 Compact after the payment and/or reserving of all of its debts and obligations.

310 (8) The Commission shall publish its bylaws and file a copy thereof, and a copy of any
311 amendment thereto, with the appropriate agency or officer in each of the member states,
312 if any.

313 (9) The Commission shall maintain its financial records in accordance with the bylaws.

314 (10) The Commission shall meet and take such actions as are consistent with the
315 provisions of this Compact and the bylaws.

316 (D) The Commission shall have the following powers:

317 (1) The authority to promulgate uniform rules to facilitate and coordinate implementation
318 and administration of this Compact. The rules shall have the force and effect of law and
319 shall be binding in all member states;

320 (2) To bring and prosecute legal proceedings or actions in the name of the Commission,
321 provided that the standing of any state EMS authority or other regulatory body
322 responsible for EMS personnel licensure to sue or be sued under applicable law shall not
323 be affected;

324 (3) To purchase and maintain insurance and bonds;

325 (4) To borrow, accept, or contract for services of personnel, including, but not limited
326 to, employees of a member state;

327 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant
328 such individuals appropriate authority to carry out the purposes of the compact, and to
329 establish the Commission's personnel policies and programs relating to conflicts of
330 interest, qualifications of personnel, and other related personnel matters;

331 (6) To accept any and all appropriate donations and grants of money, equipment,
332 supplies, materials and services, and to receive, utilize and dispose of the same; provided
333 that at all times the Commission shall strive to avoid any appearance of impropriety
334 and/or conflict of interest;

335 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own,
336 hold, improve or use, any property, real, personal or mixed; provided that at all times the
337 Commission shall strive to avoid any appearance of impropriety;

338 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
339 of any property real, personal, or mixed;

340 (9) To establish a budget and make expenditures;

341 (10) To borrow money;

342 (11) To appoint committees, including advisory committees comprised of members, state
343 regulators, state legislators or their representatives, and consumer representatives, and
344 such other interested persons as may be designated in this compact and the bylaws;

345 (12) To provide and receive information from, and to cooperate with, law enforcement
346 agencies;

347 (13) To adopt and use an official seal; and

348 (14) To perform such other functions as may be necessary or appropriate to achieve the
349 purposes of this Compact consistent with the state regulation of EMS personnel licensure
350 and practice.

351 (E) Financing of the Commission

352 (1) The Commission shall pay, or provide for the payment of, the reasonable expenses
353 of its establishment, organization, and ongoing activities.

354 (2) The Commission may accept any and all appropriate revenue sources, donations, and
355 grants of money, equipment, supplies, materials, and services.

356 (3) The Commission may levy on and collect an annual assessment from each member
357 state or impose fees on other parties to cover the cost of the operations and activities of
358 the Commission and its staff, which must be in a total amount sufficient to cover its
359 annual budget as approved each year for which revenue is not provided by other sources.
360 The aggregate annual assessment amount shall be allocated based upon a formula to be
361 determined by the Commission, which shall promulgate a rule binding upon all member
362 states.

363 (4) The Commission shall not incur obligations of any kind prior to securing the funds
364 adequate to meet the same; nor shall the Commission pledge the credit of any of the
365 member states, except by and with the authority of the member state.

366 (5) The Commission shall keep accurate accounts of all receipts and disbursements. The
367 receipts and disbursements of the Commission shall be subject to the audit and
368 accounting procedures established under its bylaws. However, all receipts and
369 disbursements of funds handled by the Commission shall be audited yearly by a certified
370 or licensed public accountant, and the report of the audit shall be included in and become
371 part of the annual report of the Commission.

372 (F) Qualified Immunity, Defense, and Indemnification

373 (1) The members, officers, executive director, employees and representatives of the
374 Commission shall be immune from suit and liability, either personally or in their official
375 capacity, for any claim for damage to or loss of property or personal injury or other civil
376 liability caused by or arising out of any actual or alleged act, error or omission that
377 occurred, or that the person against whom the claim is made had a reasonable basis for
378 believing occurred within the scope of Commission employment, duties or

379 responsibilities; provided that nothing in this paragraph shall be construed to protect any
 380 such person from suit and/or liability for any damage, loss, injury, or liability caused by
 381 the intentional or willful or wanton misconduct of that person.

382 (2) The Commission shall defend any member, officer, executive director, employee or
 383 representative of the Commission in any civil action seeking to impose liability arising
 384 out of any actual or alleged act, error, or omission that occurred within the scope of
 385 Commission employment, duties, or responsibilities, or that the person against whom the
 386 claim is made had a reasonable basis for believing occurred within the scope of
 387 Commission employment, duties, or responsibilities; provided that nothing herein shall
 388 be construed to prohibit that person from retaining his or her own counsel; and provided
 389 further, that the actual or alleged act, error, or omission did not result from that person's
 390 intentional or willful or wanton misconduct.

391 (3) The Commission shall indemnify and hold harmless any member, officer, executive
 392 director, employee, or representative of the Commission for the amount of any settlement
 393 or judgment obtained against that person arising out of any actual or alleged act, error or
 394 omission that occurred within the scope of Commission employment, duties, or
 395 responsibilities, or that such person had a reasonable basis for believing occurred within
 396 the scope of Commission employment, duties, or responsibilities, provided that the actual
 397 or alleged act, error, or omission did not result from the intentional or willful or wanton
 398 misconduct of that person.

399 Section 11. Coordinated Database.

400 (A) The Commission shall provide for the development and maintenance of a coordinated
 401 database and reporting system containing licensure, adverse action, and significant
 402 investigatory information on all licensed individuals in member states.

403 (B) Notwithstanding any other provision of state law to the contrary, a member state shall
 404 submit a uniform data set to the coordinated database on all individuals to whom this
 405 compact is applicable as required by the rules of the Commission, including:

406 (1) Identifying information;

407 (2) Licensure data;

408 (3) Significant investigatory information;

409 (4) Adverse actions against an individual's license;

410 (5) An indicator that an individual's privilege to practice is restricted, suspended or
 411 revoked;

412 (6) Non-confidential information related to alternative program participation;

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

414 (8) Other information that may facilitate the administration of this Compact, as
415 determined by the rules of the Commission.

416 (C) The coordinated database administrator shall promptly notify all member states of any
417 adverse action taken against, or significant investigative information on, any individual in
418 a member state.

419 (D) Member states contributing information to the coordinated database may designate
420 information that may not be shared with the public without the express permission of the
421 contributing state.

422 (E) Any information submitted to the coordinated database that is subsequently required
423 to be expunged by the laws of the member state contributing the information shall be
424 removed from the coordinated database.

425 Section 12. Rulemaking.

426 (A) The Commission shall exercise its rulemaking powers pursuant to the criteria set forth
427 in this Section and the rules adopted thereunder. Rules and amendments shall become
428 binding as of the date specified in each rule or amendment.

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

432 (C) Rules or amendments to the rules shall be adopted at a regular or special meeting of
433 the Commission.

434 (D) Prior to promulgation and adoption of a final rule or rules by the Commission, and at
435 least sixty (60) days in advance of the meeting at which the rule will be considered and
436 voted upon, the Commission shall file a Notice of Proposed Rulemaking:

437 (1) On the website of the Commission; and

438 (2) On the website of each member state EMS authority or the publication in which each
439 state would otherwise publish proposed rules.

440 (E) The Notice of Proposed Rulemaking shall include:

441 (1) The proposed time, date, and location of the meeting in which the rule will be
442 considered and voted upon;

443 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

444 (3) A request for comments on the proposed rule from any interested person; and

445 (4) The manner in which interested persons may submit notice to the Commission of
446 their intention to attend the public hearing and any written comments.

447 (F) Prior to adoption of a proposed rule, the Commission shall allow persons to submit
448 written data, facts, opinions, and arguments, which shall be made available to the public.

449 (G) The Commission shall grant an opportunity for a public hearing before it adopts a rule
 450 or amendment if a hearing is requested by:

451 (1) At least twenty-five (25) persons;

452 (2) A governmental subdivision or agency; or

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

454 (H) If a hearing is held on the proposed rule or amendment, the Commission shall publish
 455 the place, time, and date of the scheduled public hearing.

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

460 (2) Hearings shall be conducted in a manner providing each person who wishes to
 461 comment a fair and reasonable opportunity to comment orally or in writing.

462 (3) No transcript of the hearing is required, unless a written request for a transcript is
 463 made, in which case the person requesting the transcript shall bear the cost of producing
 464 the transcript. A recording may be made in lieu of a transcript under the same terms and
 465 conditions as a transcript. This subsection shall not preclude the Commission from
 466 making a transcript or recording of the hearing if it so chooses.

467 (4) Nothing in this section shall be construed as requiring a separate hearing on each
 468 rule. Rules may be grouped for the convenience of the Commission at hearings required
 469 by this section.

470 (I) Following the scheduled hearing date, or by the close of business on the scheduled
 471 hearing date if the hearing was not held, the Commission shall consider all written and oral
 472 comments received.

473 (J) The Commission shall, by majority vote of all members, take final action on the
 474 proposed rule and shall determine the effective date of the rule, if any, based on the
 475 rulemaking record and the full text of the rule.

476 (K) If no written notice of intent to attend the public hearing by interested parties is
 477 received, the Commission may proceed with promulgation of the proposed rule without a
 478 public hearing.

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

485 (1) Meet an imminent threat to public health, safety, or welfare;

- 486 (2) Prevent a loss of Commission or member state funds;
 487 (3) Meet a deadline for the promulgation of an administrative rule that is established by
 488 federal law or rule; or
 489 (4) Protect public health and safety.
- 490 (M) The Commission or an authorized committee of the Commission may direct revisions
 491 to a previously adopted rule or amendment for purposes of correcting typographical errors,
 492 errors in format, errors in consistency, or grammatical errors. Public notice of any
 493 revisions shall be posted on the website of the Commission. The revision shall be subject
 494 to challenge by any person for a period of thirty (30) days after posting. The revision may
 495 be challenged only on grounds that the revision results in a material change to a rule. A
 496 challenge shall be made in writing, and delivered to the chair of the Commission prior to
 497 the end of the notice period. If no challenge is made, the revision will take effect without
 498 further action. If the revision is challenged, the revision may not take effect without the
 499 approval of the Commission.

500 Section 13. Oversight, Dispute Resolution, and Enforcement.

501 (A) Oversight

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

513 (B) Default, Technical Assistance, and Termination

- 514 (1) If the Commission determines that a member state has defaulted in the performance
 515 of its obligations or responsibilities under this compact or the promulgated rules, the
 516 Commission shall:
- 517 (a) Provide written notice to the defaulting state and other member states of the nature
 518 of the default, the proposed means of curing the default and/or any other action to be
 519 taken by the Commission; and
- 520 (b) Provide remedial training and specific technical assistance regarding the default.

521 (2) If a state in default fails to cure the default, the defaulting state may be terminated
522 from the Compact upon an affirmative vote of a majority of the member states, and all
523 rights, privileges and benefits conferred by this compact may be terminated on the
524 effective date of termination. A cure of the default does not relieve the offending state
525 of obligations or liabilities incurred during the period of default.

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

530 (4) A state that has been terminated is responsible for all assessments, obligations, and
531 liabilities incurred through the effective date of termination, including obligations that
532 extend beyond the effective date of termination.

533 (5) The Commission shall not bear any costs related to a state that is found to be in
534 default or that has been terminated from the compact, unless agreed upon in writing
535 between the Commission and the defaulting state.

536 (6) The defaulting state may appeal the action of the Commission by petitioning the U.S.
537 District Court for the District of Columbia or the federal district where the Commission
538 has its principal offices. The prevailing member shall be awarded all costs of such
539 litigation, including reasonable attorney's fees.

540 (C) Dispute Resolution

541 (1) Upon request by a member state, the Commission shall attempt to resolve disputes
542 related to the compact that arise among member states and between member and
543 non-member states.

544 (2) The Commission shall promulgate a rule providing for both mediation and binding
545 dispute resolution for disputes as appropriate.

546 (D) Enforcement

547 (1) The Commission, in the reasonable exercise of its discretion, shall enforce the
548 provisions and rules of this compact.

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

556 (3) The remedies herein shall not be the exclusive remedies of the Commission. The
557 Commission may pursue any other remedies available under federal or state law.

558 Section 14. Date of Implementation of the Interstate Commission for EMS Personnel
559 Practice and Associated Rules, Withdrawal, and Amendment.

560 (A) The compact shall come into effect on the date on which the compact statute is enacted
561 into law in the tenth member state. The provisions, which become effective at that time,
562 shall be limited to the powers granted to the Commission relating to assembly and the
563 promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking
564 powers necessary to the implementation and administration of the compact.

565 (B) Any state that joins the compact subsequent to the Commission's initial adoption of
566 the rules shall be subject to the rules as they exist on the date on which the compact
567 becomes law in that state. Any rule that has been previously adopted by the Commission
568 shall have the full force and effect of law on the day the compact becomes law in that state.

569 (C) Any member state may withdraw from this compact by enacting a statute repealing the
570 same.

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

573 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's
574 EMS authority to comply with the investigative and adverse action reporting
575 requirements of this act prior to the effective date of withdrawal.

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

579 (E) This Compact may be amended by the member states. No amendment to this Compact
580 shall become effective and binding upon any member state until it is enacted into the laws
581 of all member states.

582 Section 15. Construction and Severability

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

587 **SECTION 2.**

588 All laws and parts of laws in conflict with this Act are repealed.