

House Engrossed

EMS reciprocity; compact

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2437

AN ACT

AMENDING SECTIONS 36-2202, 36-2220 AND 36-2245, ARIZONA REVISED STATUTES;
AMENDING TITLE 36, CHAPTER 21.1, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 2.1; AMENDING SECTIONS 41-619.51, 41-1758 AND 41-1758.01, ARIZONA
REVISED STATUTES; RELATING TO EMERGENCY MEDICAL SERVICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2202, Arizona Revised Statutes, is amended to
3 read:

4 36-2202. Duties of the director; qualifications of medical
5 director

6 A. The director shall:

7 1. Appoint a medical director of the emergency medical services and
8 trauma system.

9 2. Adopt standards and criteria for the denial or granting of
10 certification and recertification of emergency medical care technicians.
11 These standards shall allow the department to certify qualified emergency
12 medical care technicians who have completed statewide standardized
13 training required under section 36-2204, paragraph 1 and a standardized
14 certification test required under section 36-2204, paragraph 2, who hold
15 valid certification with a national certification organization or who have
16 completed training and testing by the United States armed forces at a
17 level comparable to the national standards for emergency medical care
18 technicians. Before the director may consider approving a statewide
19 standardized training or a standardized certification test, or both, each
20 of these must first be recommended by the medical direction commission and
21 the emergency medical services council to ensure that the standardized
22 training content is consistent with national education standards and that
23 the standardized certification test examines comparable material to that
24 examined in the tests of a national certification organization. BEGINNING
25 THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION OR UPON APPROVAL FROM
26 THE FEDERAL BUREAU OF INVESTIGATION, A PERSON APPLYING FOR INITIAL
27 CERTIFICATION AS AN EMERGENCY MEDICAL CARE TECHNICIAN PURSUANT TO THE
28 EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT AND IN
29 COMPLIANCE WITH THE REQUIREMENTS OF SECTION 36-2259 SHALL POSSESS A VALID
30 FINGERPRINT CLEARANCE CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1.

31 3. Adopt standards and criteria that pertain to the quality of
32 emergency care pursuant to section 36-2204.

33 4. Adopt rules necessary to carry out this chapter. Each rule
34 shall identify all sections and subsections of this chapter under which
35 the rule was formulated.

36 5. Adopt reasonable medical equipment, supply, staffing and safety
37 standards, criteria and procedures to issue a certificate of registration
38 to operate an ambulance.

39 6. Maintain a state system for recertifying emergency medical care
40 technicians, except as otherwise provided by section 36-2202.01, that is
41 independent from any national certification organization recertification
42 process. This system shall allow emergency medical care technicians to
43 choose to be recertified under the state or the national certification
44 organization recertification system subject to subsection H of this
45 section.

1 B. Emergency medical technicians who choose the state
2 recertification process shall recertify in one of the following ways:

3 1. Successfully completing an emergency medical technician
4 refresher course approved by the department.

5 2. Successfully completing an emergency medical technician
6 challenge course approved by the department.

7 3. For emergency medical care technicians who are currently
8 certified at the emergency medical technician level by the department,
9 attesting on a form provided by the department that the applicant holds a
10 valid and current cardiopulmonary resuscitation certification, has and
11 will maintain documented proof of a minimum of twenty-four hours of
12 continuing medical education within the last two years consistent with
13 department rules and has functioned in the capacity of an emergency
14 medical technician for at least two hundred forty hours during the last
15 two years.

16 C. After consultation with the emergency medical services council,
17 the director may authorize pilot programs designed to improve the safety
18 and efficiency of ambulance inspections for governmental or
19 quasi-governmental entities that provide emergency medical services in
20 this state.

21 D. The rules, standards and criteria adopted by the director
22 pursuant to subsection A, paragraphs 2, 3, 4 and 5 of this section shall
23 be adopted in accordance with title 41, chapter 6, except that the
24 director may adopt on an emergency basis pursuant to section 41-1026 rules
25 relating to the regulation of ambulance services in this state necessary
26 to protect the public peace, health and safety in advance of adopting
27 rules, standards and criteria as otherwise provided by this subsection.

28 E. The director may waive the requirement for compliance with a
29 protocol adopted pursuant to section 36-2205 if the director determines
30 that the techniques, drug formularies or training makes the protocol
31 inconsistent with contemporary medical practices.

32 F. The director may suspend a protocol adopted pursuant to
33 section 36-2205 if the director does all of the following:

34 1. Determines that the rule is not in the public's best interest.

35 2. Initiates procedures pursuant to title 41, chapter 6 to repeal
36 the rule.

37 3. Notifies all interested parties in writing of the director's
38 action and the reasons for that action. Parties interested in receiving
39 notification shall submit a written request to the director.

40 G. To be eligible for appointment as the medical director of the
41 emergency medical services and trauma system, the person shall be
42 qualified in emergency medicine and shall be licensed as a physician in
43 one of the states of the United States.

1 H. Applicants for certification shall apply to the director for
2 certification. Emergency medical care technicians shall apply for
3 recertification to the director every two years. The director may extend
4 the expiration date of an emergency medical care technician's certificate
5 for thirty days. The department shall establish a fee for this extension
6 by rule. Emergency medical care technicians shall pass an examination
7 administered by the department as a condition for recertification only if
8 required to do so by the advanced life support base hospital's medical
9 director or the emergency medical care technician's medical director.

10 I. The medical director of the emergency medical services and
11 trauma system is exempt from title 41, chapter 4, articles 5 and 6 and is
12 entitled to receive compensation pursuant to section 38-611, subsection A.

13 J. The standards, criteria and procedures adopted by the director
14 pursuant to subsection A, paragraph 5 of this section shall require that
15 ambulance services:

16 1. Providing interfacility transportation in any certificate of
17 necessity area of this state have one ambulance attendant as defined in
18 section 36-2201, paragraph 6, subdivision (a), (c), (d) or (e) and one
19 ambulance attendant as defined in section 36-2201, paragraph 6,
20 subdivision (a), (b), (c), (d), or (e) staffing an ambulance while
21 transporting a patient. If an ambulance attendant as defined in section
22 36-2201, paragraph 6, subdivision (b) is staffing the ambulance pursuant
23 to this paragraph, that ambulance attendant may exclusively drive the
24 ambulance.

25 2. Serving a rural or wilderness certificate of necessity area with
26 a population of less than ten thousand persons have at least one ambulance
27 attendant as defined in section 36-2201, paragraph 6, subdivision (a),
28 (c), (d) or (e) and one ambulance attendant as defined in section 36-2201,
29 paragraph 6, subdivision (a) or (b) staffing an ambulance while
30 transporting a patient.

31 3. Serving a population of ten thousand persons or more have at
32 least one ambulance attendant as defined in section 36-2201, paragraph 6,
33 subdivision (a) and one ambulance attendant as defined in section 36-2201,
34 paragraph 6, subdivision (a), (c), (d) or (e) staffing an ambulance while
35 transporting a patient.

36 K. If the department determines there is not a qualified
37 administrative medical director, the department shall ensure the provision
38 of administrative medical direction for an emergency medical technician if
39 the emergency medical technician meets all of the following criteria:

40 1. Is employed by a nonprofit or governmental provider employing
41 less than twelve full-time emergency medical technicians.

42 2. Stipulates to the inability to secure a physician who is willing
43 to provide administrative medical direction.

44 3. Stipulates that the provider agency does not provide
45 administrative medical direction for its employees.

1 Sec. 2. Section 36-2220, Arizona Revised Statutes, is amended to
2 read:

3 36-2220. Records; confidentiality; definition

4 A. Information developed, records kept and data collected by the
5 department or a political subdivision of this state for the purpose of
6 administering or evaluating the Arizona emergency medical services system
7 or for the trauma system are available to the public except:

8 1. Any patient record, including clinical records, prehospital care
9 records, medical reports, laboratory statements and reports, any file,
10 film, record or report or oral statement relating to diagnostic findings,
11 treatment or outcome of patients, whether written or recorded, and any
12 information from which a patient, the patient's family or the patient's
13 health care provider or facility might be identified except records, files
14 and information are available to the patient, the patient's guardian or
15 the patient's agent.

16 2. Information obtained and data collected for purposes of chapter
17 25 or chapter 4, article 5 of this title.

18 B. Unless otherwise provided by law, all medical records developed
19 and kept by a prehospital component of the statewide trauma system and
20 information contained in these records are confidential and may not be
21 released to the public without written authorization by the patient, the
22 patient's guardian or the patient's agent.

23 C. Notwithstanding subsection B of this section, a prehospital
24 incident history report completed and kept by a nonhospital political
25 subdivision of this state is available to the public except for
26 information in that report that is protected from disclosure by the laws
27 of this state or federal law, including confidential patient treatment
28 information.

29 D. Patient records and medical records covered by this section may
30 be obtained pursuant to section 12-2294.01.

31 E. Information, documents and records received by the department or
32 prepared by the department in connection with an investigation that is
33 conducted pursuant to this article and that relates to emergency medical
34 care technicians are confidential and are not subject to public inspection
35 or civil discovery. The results of the investigation and the decision of
36 the department are available to the public after the investigation is
37 completed and the investigation file is closed. **THIS SUBSECTION DOES NOT
38 PREVENT THE DEPARTMENT FROM SUBMITTING INFORMATION IN COMPLIANCE WITH THE
39 EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT AS
40 REQUIRED BY SECTION 36-2259.**

41 F. For the purposes of this section, "prehospital incident history
42 report" means a record of the prehospital response, nature of the incident
43 and transportation of an emergency medical services patient that is
44 documented on a prehospital incident history report.

1 Sec. 3. Section 36-2245, Arizona Revised Statutes, is amended to
2 read:

3 36-2245. Investigations; complaints; informal interviews;
4 hearings; stipulations; judicial review; civil
5 penalty; confidentiality

6 A. The department may conduct an investigation into the operation
7 of ambulances and ambulance services.

8 B. Proceedings under this section may be initiated by the
9 department.

10 C. If the department receives a written and signed statement of
11 dissatisfaction or dispute of charges or any matter relating to the
12 regulation of ambulance services, the customer is deemed to have filed an
13 informal complaint against the ambulance service. Within fifteen days ~~of~~
14 ~~receipt of~~ AFTER RECEIVING the complaint, a designated representative of
15 the department shall inform the ambulance service that an informal
16 complaint has been filed, state the nature of the allegations made,
17 specify the purported rule violation and identify specific records
18 relating to the purported rule violation that the ambulance service shall
19 provide to the department. The ambulance service shall comply with the
20 request for records in a timely manner.

21 D. Within forty-five days ~~of receipt of~~ AFTER RECEIVING the
22 records, the department shall determine ~~if~~ WHETHER the complaint is
23 nonsubstantive or substantive.

24 E. If the department determines that a complaint filed pursuant to
25 this section is nonsubstantive, ~~it~~ THE DEPARTMENT shall render a written
26 decision to all parties within five days ~~of~~ AFTER that determination. The
27 complainant may make a formal complaint to the department if the
28 complainant disagrees with the department's decision. If the
29 nonsubstantive complaint involves rates and charges, a designated
30 representative of the department shall attempt to resolve the dispute by
31 correspondence or telephone with the ambulance service and the customer.

32 F. If the department determines that a complaint filed pursuant to
33 this section is substantive, the complaint becomes a formal complaint.
34 The department shall inform the ambulance service that the initial
35 investigation was substantive in nature and may warrant action pursuant to
36 this article. The department shall inform the ambulance service of the
37 specific rule violation and shall allow the ambulance service thirty days
38 to answer the complaint in writing.

39 G. The department may issue a written request for an informal
40 interview with the ambulance service if the department believes that the
41 evidence indicates that grounds for action exist. The request shall state
42 the reasons for the interview and shall schedule an INFORMAL interview at
43 least ten days ~~from~~ AFTER the date that the department sends the request
44 for an interview.

1 H. If the department determines that evidence warrants action or if
2 the ambulance service refuses to attend the informal interview, the
3 director shall institute formal proceedings and hold a hearing pursuant to
4 title 41, chapter 6, article 10.

5 I. If the department believes that a lesser disciplinary action is
6 appropriate, the department may enter into a stipulated agreement with the
7 ambulance service. This stipulation may include a civil penalty as
8 provided under subsection J of this section.

9 J. In addition to other disciplinary action provided under this
10 section, the director may impose a civil penalty of not more than ~~three~~
11 ~~hundred fifty dollars~~ \$350 for each violation of this chapter that
12 constitutes grounds to suspend or revoke a certificate of necessity. This
13 penalty shall not exceed ~~fifteen thousand dollars~~ \$15,000. Each day that
14 a violation occurs constitutes a separate offense. The director shall
15 deposit, pursuant to sections 35-146 and 35-147, all monies collected
16 under this subsection in the emergency medical services operating fund
17 established ~~under~~ BY section 36-2218.

18 K. The director may suspend a certificate of necessity without
19 holding a hearing if the director determines that the certificate holder
20 has failed to pay a civil penalty imposed under this section. The
21 director shall reinstate the certificate of necessity when the certificate
22 holder pays the penalty in full.

23 L. Except as provided in section 41-1092.08, subsection H, a final
24 decision of the department pursuant to this section is subject to judicial
25 review pursuant to title 12, chapter 7, article 6.

26 M. Information, documents and records received by the department or
27 prepared by the department in connection with an investigation that is
28 conducted pursuant to this article and that relates to emergency medical
29 care technicians are confidential and are not subject to public inspection
30 or civil discovery. When the investigation has been completed and the
31 investigation file has been closed, the results of the investigation and
32 the decision of the department shall be available to the public. THIS
33 SUBSECTION DOES NOT PREVENT THE DEPARTMENT FROM SUBMITTING INFORMATION IN
34 COMPLIANCE WITH THE EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE
35 INTERSTATE COMPACT AS REQUIRED BY SECTION 36-2259.

36 Sec. 4. Title 36, chapter 21.1, Arizona Revised Statutes, is
37 amended by adding article 2.1, to read:

38 ARTICLE 2.1 EMERGENCY MEDICAL SERVICES PERSONNEL
39 LICENSURE INTERSTATE COMPACT
40 36-2259. Emergency medical services licensure interstate
41 compact

42 SECTION 1. PURPOSE
43 THE PURPOSE OF THIS COMPACT IS TO PROTECT THE PUBLIC THROUGH
44 VERIFICATION OF COMPETENCY AND TO ENSURE ACCOUNTABILITY FOR PATIENT
45 CARE-RELATED ACTIVITIES OF ALL STATES' LICENSED EMERGENCY MEDICAL SERVICES

1 (EMS) PERSONNEL, SUCH AS EMERGENCY MEDICAL TECHNICIANS (EMTs), ADVANCED
2 EMERGENCY MEDICAL TECHNICIANS (AEMTs) AND PARAMEDICS. THIS COMPACT IS
3 INTENDED TO FACILITATE THE DAY-TO-DAY MOVEMENT OF EMS PERSONNEL ACROSS
4 STATE BOUNDARIES IN THE PERFORMANCE OF THEIR EMS DUTIES AS ASSIGNED BY AN
5 APPROPRIATE AUTHORITY AND TO AUTHORIZE STATE EMS OFFICES TO AFFORD
6 IMMEDIATE LEGAL RECOGNITION TO EMS PERSONNEL WHO ARE LICENSED IN A MEMBER
7 STATE. THIS COMPACT RECOGNIZES THAT STATES HAVE A VESTED INTEREST IN
8 PROTECTING THE PUBLIC'S HEALTH AND SAFETY THROUGH THEIR LICENSING AND
9 REGULATION OF EMS PERSONNEL AND THAT SUCH STATE REGULATION SHARED AMONG
10 THE MEMBER STATES WILL BEST PROTECT THE PUBLIC HEALTH AND SAFETY. THIS
11 COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING PURPOSES AND OBJECTIVES:

- 12 1. INCREASE PUBLIC ACCESS TO EMS PERSONNEL.
- 13 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND
14 SAFETY, ESPECIALLY PATIENT SAFETY.
- 15 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN THE AREAS OF EMS
16 PERSONNEL LICENSURE AND REGULATION.
- 17 4. SUPPORT THE LICENSING OF MILITARY MEMBERS WHO ARE SEPARATING
18 FROM AN ACTIVE DUTY TOUR AND THE SPOUSES OF THOSE MILITARY MEMBERS.
- 19 5. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN MEMBER STATES
20 REGARDING EMS PERSONNEL LICENSURE, ADVERSE ACTIONS AND SIGNIFICANT
21 INVESTIGATORY INFORMATION.
- 22 6. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING EMS PERSONNEL
23 PRACTICE IN EACH MEMBER STATE.
- 24 7. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD EMS
25 PERSONNEL ACCOUNTABLE THROUGH THE MUTUAL RECOGNITION OF MEMBER STATE
26 LICENSES.

27 SECTION 2. DEFINITIONS

28 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 29 1. "ADVANCED EMERGENCY MEDICAL TECHNICIAN" OR "AEMT" MEANS AN
30 INDIVIDUAL WHO IS LICENSED WITH COGNITIVE KNOWLEDGE AND A SCOPE OF
31 PRACTICE THAT CORRESPONDS TO THAT LEVEL IN THE NATIONAL EMS EDUCATION
32 STANDARDS AND NATIONAL EMS SCOPE OF PRACTICE MODEL.
- 33 2. "ADVERSE ACTION" MEANS:
 - 34 (a) ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR CRIMINAL ACTION ALLOWED
35 BY A STATE'S LAWS THAT MAY BE IMPOSED AGAINST LICENSED EMS PERSONNEL BY A
36 STATE EMS AUTHORITY OR STATE COURT.
 - 37 (b) INCLUDES ACTIONS AGAINST AN INDIVIDUAL'S LICENSE SUCH AS
38 REVOCATION, SUSPENSION, PROBATION, A CONSENT AGREEMENT, MONITORING OR
39 ANOTHER LIMITATION OR ENCUMBRANCE ON THE INDIVIDUAL'S PRACTICE, A LETTER
40 OF REPRIMAND OR ADMONITION, A FINE, A CRIMINAL CONVICTION AND A STATE
41 COURT JUDGMENT ENFORCING ADVERSE ACTIONS BY THE STATE EMS AUTHORITY.
- 42 3. "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY, NONDISCIPLINARY
43 SUBSTANCE ABUSE RECOVERY PROGRAM THAT IS APPROVED BY A STATE EMS
44 AUTHORITY.

- 1 4. "CERTIFICATION" MEANS THE SUCCESSFUL VERIFICATION OF ENTRY-LEVEL
2 COGNITIVE AND PSYCHOMOTOR COMPETENCY USING A RELIABLE, VALIDATED AND
3 LEGALLY DEFENSIBLE EXAMINATION.
- 4 5. "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY OF WHICH ALL
5 STATES THAT HAVE ENACTED THIS COMPACT ARE MEMBERS.
- 6 6. "EMERGENCY MEDICAL TECHNICIAN" OR "EMT" MEANS AN INDIVIDUAL WHO
7 IS LICENSED WITH COGNITIVE KNOWLEDGE AND A SCOPE OF PRACTICE THAT
8 CORRESPONDS TO THAT LEVEL IN THE NATIONAL EMS EDUCATION STANDARDS AND
9 NATIONAL EMS SCOPE OF PRACTICE MODEL.
- 10 7. "HOME STATE" MEANS A MEMBER STATE WHERE AN INDIVIDUAL IS
11 LICENSED TO PRACTICE EMERGENCY MEDICAL SERVICES.
- 12 8. "LICENSE" MEANS THE AUTHORIZATION BY A STATE FOR AN INDIVIDUAL
13 TO PRACTICE AS AN EMT, AEMT OR PARAMEDIC OR AT A LEVEL IN BETWEEN EMT AND
14 PARAMEDIC.
- 15 9. "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO IS LICENSED IN A MEMBER
16 STATE AND WHO IS ACCOUNTABLE FOR THE CARE DELIVERED BY EMS PERSONNEL.
- 17 10. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.
- 18 11. "PARAMEDIC" MEANS AN INDIVIDUAL WHO IS LICENSED WITH COGNITIVE
19 KNOWLEDGE AND A SCOPE OF PRACTICE THAT CORRESPONDS TO THAT LEVEL IN THE
20 NATIONAL EMS EDUCATION STANDARDS AND NATIONAL EMS SCOPE OF PRACTICE MODEL.
- 21 12. "PRIVILEGE TO PRACTICE" MEANS AN INDIVIDUAL'S AUTHORITY TO
22 DELIVER EMERGENCY MEDICAL SERVICES IN REMOTE STATES AS AUTHORIZED UNDER
23 THIS COMPACT.
- 24 13. "REMOTE STATE" MEANS A MEMBER STATE IN WHICH AN INDIVIDUAL IS
25 NOT LICENSED.
- 26 14. "RESTRICTED" MEANS THE OUTCOME OF AN ADVERSE ACTION THAT LIMITS
27 A LICENSE OR THE PRIVILEGE TO PRACTICE.
- 28 15. "RULE" MEANS A WRITTEN STATEMENT OF THE COMMISSION THAT IS
29 PROMULGATED PURSUANT TO SECTION 12 OF THIS COMPACT AND THAT:
30 (a) IS OF GENERAL APPLICABILITY.
31 (b) IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR PROVISION OF
32 THIS COMPACT.
33 (c) IS AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE REQUIREMENT OF THE
34 COMMISSION AND HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A MEMBER
35 STATE.
36 (d) INCLUDES THE AMENDMENT, REPEAL OR SUSPENSION OF AN EXISTING
37 RULE.
- 38 16. "SCOPE OF PRACTICE" MEANS DEFINED PARAMETERS OF VARIOUS DUTIES
39 OR SERVICES THAT MAY BE PROVIDED BY AN INDIVIDUAL WITH SPECIFIC
40 CREDENTIALS AND THAT, WHETHER REGULATED BY RULE, STATUTE OR COURT
41 DECISION, TEND TO REPRESENT THE LIMITS OF SERVICES THE INDIVIDUAL MAY
42 PERFORM.

1 B. TO EXERCISE THE PRIVILEGE TO PRACTICE UNDER THE TERMS AND
2 PROVISIONS OF THIS COMPACT, AN INDIVIDUAL MUST MEET ALL OF THE FOLLOWING:

3 1. BE AT LEAST EIGHTEEN YEARS OF AGE.

4 2. POSSESS A CURRENT UNRESTRICTED LICENSE IN A MEMBER STATE AS AN
5 EMT, AEMT, PARAMEDIC OR STATE RECOGNIZED AND LICENSED LEVEL WITH A SCOPE
6 OF PRACTICE AND AUTHORITY BETWEEN EMT AND PARAMEDIC.

7 3. PRACTICE UNDER THE SUPERVISION OF A MEDICAL DIRECTOR.

8 C. AN INDIVIDUAL PROVIDING PATIENT CARE IN A REMOTE STATE UNDER THE
9 PRIVILEGE TO PRACTICE SHALL FUNCTION WITHIN THE SCOPE OF PRACTICE
10 AUTHORIZED BY THE HOME STATE UNLESS AND UNTIL MODIFIED BY AN APPROPRIATE
11 AUTHORITY IN THE REMOTE STATE AS MAY BE DEFINED IN THE RULES OF THE
12 COMMISSION.

13 D. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, AN
14 INDIVIDUAL PRACTICING IN A REMOTE STATE IS SUBJECT TO THE REMOTE STATE'S
15 AUTHORITY AND LAWS. A REMOTE STATE, IN ACCORDANCE WITH DUE PROCESS AND
16 THAT STATE'S LAWS, MAY RESTRICT, SUSPEND OR REVOKE AN INDIVIDUAL'S
17 PRIVILEGE TO PRACTICE IN THE REMOTE STATE AND MAY TAKE ANY OTHER NECESSARY
18 ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS. IF A REMOTE
19 STATE TAKES ACTION, IT SHALL PROMPTLY NOTIFY THE HOME STATE AND THE
20 COMMISSION.

21 E. IF AN INDIVIDUAL'S LICENSE IN ANY HOME STATE IS RESTRICTED OR
22 SUSPENDED, THE INDIVIDUAL IS NOT ELIGIBLE TO PRACTICE IN A REMOTE STATE
23 UNDER THE PRIVILEGE TO PRACTICE UNTIL THE INDIVIDUAL'S HOME STATE LICENSE
24 IS RESTORED.

25 F. IF AN INDIVIDUAL'S PRIVILEGE TO PRACTICE IN ANY REMOTE STATE IS
26 RESTRICTED, SUSPENDED OR REVOKED, THE INDIVIDUAL IS NOT ELIGIBLE TO
27 PRACTICE IN ANY REMOTE STATE UNTIL THE INDIVIDUAL'S PRIVILEGE TO PRACTICE
28 IS RESTORED.

29 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

30 AN INDIVIDUAL MAY PRACTICE IN A REMOTE STATE UNDER A PRIVILEGE TO
31 PRACTICE ONLY IN THE PERFORMANCE OF THE INDIVIDUAL'S EMS DUTIES AS
32 ASSIGNED BY AN APPROPRIATE AUTHORITY, AS DEFINED IN THE RULES OF THE
33 COMMISSION, AND UNDER THE FOLLOWING CIRCUMSTANCES:

34 1. THE INDIVIDUAL ORIGINATES A PATIENT TRANSPORT IN A HOME STATE
35 AND TRANSPORTS THE PATIENT TO A REMOTE STATE.

36 2. THE INDIVIDUAL ORIGINATES IN THE HOME STATE AND ENTERS A REMOTE
37 STATE TO PICK UP A PATIENT AND PROVIDE CARE AND TRANSPORT OF THE PATIENT
38 TO THE HOME STATE.

39 3. THE INDIVIDUAL ENTERS A REMOTE STATE TO PROVIDE PATIENT CARE OR
40 TRANSPORT, OR BOTH, WITHIN THAT REMOTE STATE.

41 4. THE INDIVIDUAL ENTERS A REMOTE STATE TO PICK UP A PATIENT AND
42 PROVIDE CARE AND TRANSPORT TO A THIRD MEMBER STATE.

43 5. OTHER CONDITIONS AS DETERMINED BY RULES PROMULGATED BY THE
44 COMMISSION.

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SECTION 6. RELATIONSHIP TO EMERGENCY
MANAGEMENT ASSISTANCE COMPACT

ON THE DECLARATION BY A MEMBER STATE'S GOVERNOR OF A STATE OF EMERGENCY OR DISASTER THAT ACTIVATES THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT (EMAC), ALL RELEVANT TERMS AND PROVISIONS OF EMAC APPLY AND, TO THE EXTENT ANY TERMS OR PROVISIONS OF THIS COMPACT CONFLICT WITH EMAC, THE TERMS OF EMAC SHALL PREVAIL WITH RESPECT TO ANY INDIVIDUAL PRACTICING IN THE REMOTE STATE IN RESPONSE TO THE DECLARATION.

SECTION 7. VETERANS AND MILITARY SERVICE MEMBERS
SEPARATING FROM ACTIVE DUTY AND THEIR SPOUSES

A. MEMBER STATES SHALL CONSIDER A VETERAN, ACTIVE MILITARY SERVICE MEMBER AND MEMBER OF THE NATIONAL GUARD AND RESERVES SEPARATING FROM AN ACTIVE DUTY TOUR, AND THE SPOUSE OF ANY OF THESE, WHO HOLDS A CURRENT VALID AND UNRESTRICTED NREMT CERTIFICATION AT OR ABOVE THE LEVEL OF THE STATE LICENSE BEING SOUGHT AS SATISFYING THE MINIMUM TRAINING AND EXAMINATION REQUIREMENTS FOR SUCH LICENSURE.

B. MEMBER STATES SHALL EXPEDITE THE PROCESSING OF LICENSURE APPLICATIONS SUBMITTED BY VETERANS, ACTIVE MILITARY SERVICE MEMBERS AND MEMBERS OF THE NATIONAL GUARD AND RESERVES SEPARATING FROM AN ACTIVE DUTY TOUR, AND THEIR SPOUSES.

C. ALL INDIVIDUALS FUNCTIONING WITH A PRIVILEGE TO PRACTICE UNDER THIS SECTION REMAIN SUBJECT TO THE ADVERSE ACTIONS PROVISIONS OF SECTION 8 OF THIS COMPACT.

SECTION 8. ADVERSE ACTIONS

A. A HOME STATE HAS EXCLUSIVE POWER TO IMPOSE ADVERSE ACTION AGAINST AN INDIVIDUAL'S LICENSE ISSUED BY THE HOME STATE.

B. IF AN INDIVIDUAL'S LICENSE IN ANY HOME STATE IS RESTRICTED OR SUSPENDED, THE INDIVIDUAL IS NOT ELIGIBLE TO PRACTICE IN A REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE UNTIL THE INDIVIDUAL'S HOME STATE LICENSE IS RESTORED, AND THE FOLLOWING APPLY:

1. ALL HOME STATE ADVERSE ACTION ORDERS SHALL INCLUDE A STATEMENT THAT THE INDIVIDUAL'S PRIVILEGE TO PRACTICE IS INACTIVE. THE ORDER MAY ALLOW THE INDIVIDUAL TO PRACTICE IN REMOTE STATES WITH PRIOR WRITTEN AUTHORIZATION FROM BOTH THE HOME STATE EMS AUTHORITY AND THE REMOTE STATE EMS AUTHORITY.

2. AN INDIVIDUAL WHO IS CURRENTLY SUBJECT TO ADVERSE ACTION IN THE HOME STATE SHALL NOT PRACTICE IN ANY REMOTE STATE WITHOUT PRIOR WRITTEN AUTHORIZATION FROM BOTH THE HOME STATE EMS AUTHORITY AND THE REMOTE STATE EMS AUTHORITY.

C. A MEMBER STATE SHALL REPORT ADVERSE ACTIONS AND ANY OCCURRENCES THAT THE INDIVIDUAL'S PRIVILEGE TO PRACTICE IS RESTRICTED, SUSPENDED OR REVOKED TO THE COMMISSION IN ACCORDANCE WITH THE RULES OF THE COMMISSION.

D. A REMOTE STATE MAY TAKE ADVERSE ACTION ON AN INDIVIDUAL'S PRIVILEGE TO PRACTICE WITHIN THAT STATE.

1 E. ANY MEMBER STATE MAY TAKE ADVERSE ACTION AGAINST AN INDIVIDUAL'S
2 PRIVILEGE TO PRACTICE IN THAT STATE BASED ON THE FACTUAL FINDINGS OF
3 ANOTHER MEMBER STATE SO LONG AS EACH STATE FOLLOWS ITS OWN PROCEDURES FOR
4 IMPOSING SUCH ADVERSE ACTION.

5 F. A HOME STATE'S EMS AUTHORITY SHALL INVESTIGATE AND TAKE
6 APPROPRIATE ACTION WITH RESPECT TO REPORTED CONDUCT IN A REMOTE STATE AS
7 IT WOULD IF SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SUCH
8 CASES, THE HOME STATE'S LAW SHALL CONTROL IN DETERMINING THE APPROPRIATE
9 ADVERSE ACTION.

10 G. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
11 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
12 ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF REQUIRED BY
13 THE MEMBER STATE'S LAWS. MEMBER STATES SHALL REQUIRE INDIVIDUALS WHO
14 ENTER ANY ALTERNATIVE PROGRAMS TO AGREE NOT TO PRACTICE IN ANY OTHER
15 MEMBER STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR
16 AUTHORIZATION FROM THE OTHER MEMBER STATE.

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

19 A MEMBER STATE'S EMS AUTHORITY, IN ADDITION TO ANY OTHER POWERS
20 GRANTED UNDER STATE LAW, IS AUTHORIZED UNDER THIS COMPACT TO:

21 1. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT
22 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF
23 EVIDENCE. SUBPOENAS ISSUED BY A MEMBER STATE'S EMS AUTHORITY FOR THE
24 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
25 ANOTHER MEMBER STATE, OR BOTH, SHALL BE ENFORCED IN THE REMOTE STATE BY
26 ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THAT COURT'S PRACTICE
27 AND PROCEDURE IN CONSIDERING SUBPOENAS ISSUED IN ITS OWN PROCEEDINGS. THE
28 ISSUING STATE EMS AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES,
29 MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE WHERE
30 THE WITNESSES OR EVIDENCE, OR BOTH, ARE LOCATED.

31 2. ISSUE CEASE AND DESIST ORDERS TO RESTRICT, SUSPEND OR REVOKE AN
32 INDIVIDUAL'S PRIVILEGE TO PRACTICE IN THE MEMBER STATE.

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

35 A. THE COMPACT STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC
36 AGENCY KNOWN AS THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE. THE
37 FOLLOWING APPLY:

38 1. THE COMMISSION IS A BODY POLITIC AND AN INSTRUMENTALITY OF THE
39 COMPACT STATES.

40 2. VENUE IS PROPER AND JUDICIAL PROCEEDINGS BY OR AGAINST THE
41 COMMISSION SHALL BE BROUGHT SOLELY AND EXCLUSIVELY IN A COURT OF COMPETENT
42 JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE COMMISSION IS LOCATED. THE
43 COMMISSION MAY WAIVE VENUE AND JURISDICTIONAL DEFENSES TO THE EXTENT IT
44 ADOPTS OR CONSENTS TO PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION
45 PROCEEDINGS.

1 3. THIS COMPACT IS NOT A WAIVER OF SOVEREIGN IMMUNITY.
2 B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:
3 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE.
4 THE RESPONSIBLE OFFICIAL OF THE STATE EMS AUTHORITY OR THE STATE EMS
5 AUTHORITY'S DESIGNEE SHALL BE THE DELEGATE TO THIS COMPACT FOR EACH MEMBER
6 STATE. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED
7 BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED. ANY VACANCY
8 OCCURRING IN THE COMMISSION SHALL BE FILLED IN ACCORDANCE WITH THE LAWS OF
9 THE MEMBER STATE IN WHICH THE VACANCY EXISTS. IN THE EVENT THAT MORE THAN
10 ONE BOARD, OFFICE OR OTHER AGENCY WITH THE LEGISLATIVE MANDATE TO LICENSE
11 EMS PERSONNEL AT AND ABOVE THE LEVEL OF EMT EXISTS, THE GOVERNOR OF THAT
12 STATE WILL DETERMINE WHICH ENTITY WILL BE RESPONSIBLE FOR ASSIGNING THE
13 DELEGATE.
14 2. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE
15 PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN
16 OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.
17 A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE
18 BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES' PARTICIPATION IN MEETINGS
19 BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.
20 3. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
21 YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.
22 4. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF
23 MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE
24 RULEMAKING PROVISIONS IN SECTION 12 OF THIS COMPACT.
25 5. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE
26 COMMISSION MUST DISCUSS ANY OF THE FOLLOWING:
27 (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE
28 COMPACT.
29 (b) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER PERSONNEL
30 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER
31 MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND
32 PROCEDURES.
33 (c) THE CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.
34 (d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS,
35 SERVICES OR REAL ESTATE.
36 (e) THE ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE
37 OF ANY PERSON.
38 (f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
39 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.
40 (g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
41 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
42 PRIVACY.
43 (h) THE DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW
44 ENFORCEMENT PURPOSES.

1 (i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATORY
2 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR
3 ANOTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR
4 DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THIS COMPACT.

5 (j) ANY MATTER SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
6 MEMBER STATE STATUTE.

7 6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO
8 THIS SUBSECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY
9 THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING
10 PROVISION. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
11 DESCRIBE ALL MATTERS DISCUSSED IN THE CLOSED MEETING AND SHALL PROVIDE A
12 FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE,
13 INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED
14 IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
15 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
16 TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR AN ORDER OF A COURT OF
17 COMPETENT JURISDICTION.

18 C. THE COMMISSION, BY A MAJORITY VOTE OF THE DELEGATES, SHALL
19 PRESCRIBE BYLAWS OR RULES, OR BOTH, TO GOVERN ITS CONDUCT AS MAY BE
20 NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND EXERCISE THE POWERS
21 OF THIS COMPACT, INCLUDING:

22 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.

23 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:

24 (a) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES.

25 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY
26 OR FUNCTION OF THE COMMISSION.

27 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING
28 MEETINGS OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL
29 MEETINGS AND PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY
30 INTERESTED PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE
31 PUBLIC'S INTEREST, THE PRIVACY OF INDIVIDUALS AND PROPRIETARY INFORMATION,
32 INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION ONLY
33 AFTER A MAJORITY OF THE MEMBERSHIP VOTES TO CLOSE A MEETING IN WHOLE OR IN
34 PART. AS SOON AS PRACTICABLE, THE COMMISSION SHALL MAKE PUBLIC A COPY OF
35 THE VOTE TO CLOSE THE MEETING REVEALING THE VOTE OF EACH MEMBER WITH NO
36 PROXY VOTES ALLOWED.

37 4. ESTABLISHING THE TITLES, DUTIES AND AUTHORITY AND REASONABLE
38 PROCEDURES FOR ELECTING THE OFFICERS OF THE COMMISSION.

39 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR ESTABLISHING
40 THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING ANY
41 CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY MEMBER STATE, THE BYLAWS SHALL
42 EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION.

43 6. PROMULGATING A CODE OF ETHICS TO ADDRESS PERMISSIBLE AND
44 PROHIBITED ACTIVITIES OF COMMISSION MEMBERS AND EMPLOYEES.

- 1 7. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF THE
2 COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS MONIES THAT MAY
3 EXIST AFTER THE TERMINATION OF THIS COMPACT AFTER THE PAYMENT OR RESERVING
4 OF ALL OF THE COMMISSION'S DEBTS OR OBLIGATIONS, OR BOTH.
- 5 8. PUBLISHING THE COMMISSION'S BYLAWS AND FILING A COPY THEREOF,
6 AND A COPY OF ANY AMENDMENT THERETO, WITH THE APPROPRIATE AGENCY OR
7 OFFICER IN EACH MEMBER STATE, IF ANY.
- 8 9. MAINTAINING THE COMMISSION'S FINANCIAL RECORDS IN ACCORDANCE
9 WITH THE BYLAWS.
- 10 10. MEETING AND TAKING SUCH ACTIONS AS ARE CONSISTENT WITH THE
11 PROVISIONS OF THIS COMPACT AND THE BYLAWS.
- 12 D. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:
 - 13 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
14 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE
15 THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL MEMBER STATES.
 - 16 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME
17 OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE EMS AUTHORITY
18 OR OTHER REGULATORY BODY RESPONSIBLE FOR EMS PERSONNEL LICENSURE TO SUE OR
19 BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.
 - 20 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.
 - 21 4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL,
22 INCLUDING EMPLOYEES OF A MEMBER STATE.
 - 23 5. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
24 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
25 THE PURPOSES OF THIS COMPACT, AND TO ESTABLISH THE COMMISSION'S PERSONNEL
26 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
27 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.
 - 28 6. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF
29 MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, USE
30 AND DISPOSE OF THE SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL
31 STRIVE TO AVOID ANY APPEARANCE OF IMPROPRIETY AND CONFLICT OF INTEREST.
 - 32 7. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR
33 OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL OR
34 MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL STRIVE TO AVOID ANY
35 APPEARANCE OF IMPROPRIETY.
 - 36 8. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
37 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.
 - 38 9. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.
 - 39 10. TO BORROW MONIES.
 - 40 11. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES COMPOSED
41 OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES,
42 AND CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE
43 DESIGNATED IN THIS COMPACT AND THE BYLAWS.
 - 44 12. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO COOPERATE WITH,
45 LAW ENFORCEMENT AGENCIES.

1 13. TO ADOPT AND USE AN OFFICIAL SEAL.
2 14. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR
3 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE
4 STATE REGULATION OF EMS PERSONNEL LICENSURE AND PRACTICE.
5 E. FINANCING OF THE COMMISSION IS AS FOLLOWS:
6 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
7 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
8 ACTIVITIES.
9 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE
10 SOURCES, DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS
11 AND SERVICES.
12 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
13 EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
14 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE
15 IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH
16 YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
17 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE
18 DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL
19 MEMBER STATES.
20 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
21 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS. THE COMMISSION
22 SHALL NOT PLEDGE THE CREDIT OF ANY MEMBER STATE, EXCEPT BY AND WITH THE
23 AUTHORITY OF THE MEMBER STATE.
24 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
25 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
26 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
27 BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
28 COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC
29 ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME
30 PART OF THE ANNUAL REPORT OF THE COMMISSION.
31 F. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:
32 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
33 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY,
34 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE
35 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED
36 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
37 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
38 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
39 EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS PARAGRAPH DOES
40 NOT PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY, OR BOTH, FOR ANY
41 DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR
42 WANTON MISCONDUCT OF THAT PERSON.
43 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
44 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
45 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,

1 ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
2 DUTIES OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
3 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
4 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS
5 PARAGRAPH DOES NOT PROHIBIT THAT PERSON FROM RETAINING THE PERSON'S OWN
6 COUNSEL, AND PROVIDED FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR
7 OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON
8 MISCONDUCT.

9 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
10 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
11 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON
12 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
13 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR
14 THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
15 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT
16 THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE
17 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

18 SECTION 11. COORDINATED DATABASE

19 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT AND MAINTENANCE
20 OF A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE,
21 ADVERSE ACTION AND SIGNIFICANT INVESTIGATORY INFORMATION ON ALL LICENSED
22 INDIVIDUALS IN MEMBER STATES.

23 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO THE
24 CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO THE
25 COORDINATED DATABASE ON ALL INDIVIDUALS TO WHOM THIS COMPACT APPLIES AS
26 REQUIRED BY THE RULES OF THE COMMISSION, INCLUDING:

27 1. IDENTIFYING INFORMATION.

28 2. LICENSURE DATA.

29 3. SIGNIFICANT INVESTIGATORY INFORMATION.

30 4. ADVERSE ACTIONS AGAINST A LICENSE.

31 5. AN INDICATOR THAT A PRIVILEGE TO PRACTICE IS RESTRICTED,
32 SUSPENDED OR REVOKED.

33 6. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
34 PARTICIPATION.

35 7. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR
36 REASONS FOR SUCH DENIAL.

37 8. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
38 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

39 C. THE COORDINATED DATABASE ADMINISTRATOR SHALL PROMPTLY NOTIFY ALL
40 MEMBER STATES OF ANY ADVERSE ACTION TAKEN AGAINST, OR SIGNIFICANT
41 INVESTIGATIVE INFORMATION ON, ANY INDIVIDUAL IN A MEMBER STATE.

42 D. A MEMBER STATE THAT CONTRIBUTES INFORMATION TO THE COORDINATED
43 DATABASE MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC
44 WITHOUT THE EXPRESS PERMISSION OF THAT MEMBER STATE.

1 E. ANY INFORMATION SUBMITTED TO THE COORDINATED DATABASE THAT IS
2 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE
3 CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE COORDINATED
4 DATABASE.

5 SECTION 12. RULEMAKING

6 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
7 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.
8 RULES AND AMENDMENTS BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE
9 OR AMENDMENT.

10 B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES REJECTS A
11 RULE BY ENACTING A STATUTE OR RESOLUTION IN THE SAME MANNER USED TO ADOPT
12 THIS COMPACT, THAT RULE SHALL HAVE NO FURTHER FORCE AND EFFECT IN ANY
13 MEMBER STATE.

14 C. RULES OR AMENDMENTS TO THE RULES SHALL BE ADOPTED AT A REGULAR
15 OR SPECIAL MEETING OF THE COMMISSION.

16 D. BEFORE THE COMMISSION PROMULGATES AND ADOPTS A FINAL RULE OR
17 RULES, AND AT LEAST SIXTY DAYS BEFORE THE MEETING AT WHICH THE RULE OR
18 RULES WILL BE CONSIDERED AND VOTED ON, THE COMMISSION SHALL FILE A NOTICE
19 OF PROPOSED RULEMAKING:

20 1. ON THE WEBSITE OF THE COMMISSION.

21 2. ON THE WEBSITE OF EACH MEMBER STATE EMS AUTHORITY OR IN THE
22 PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH PROPOSED RULES.

23 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
24 FOLLOWING:

25 1. THE PROPOSED TIME, DATE AND LOCATION OF THE MEETING IN WHICH THE
26 RULE OR RULES WILL BE CONSIDERED AND VOTED ON.

27 2. THE TEXT OF THE PROPOSED RULE OR RULES OR AMENDMENT AND THE
28 REASON FOR THE PROPOSED RULE OR RULES.

29 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE OR RULES FROM ANY
30 INTERESTED PERSON.

31 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
32 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN
33 COMMENTS.

34 F. BEFORE ADOPTING A PROPOSED RULE, THE COMMISSION SHALL ALLOW
35 PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS AND ARGUMENTS, WHICH SHALL
36 BE MADE AVAILABLE TO THE PUBLIC.

37 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC HEARING
38 BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS REQUESTED BY ANY OF
39 THE FOLLOWING:

40 1. AT LEAST TWENTY-FIVE PERSONS.

41 2. A GOVERNMENTAL SUBDIVISION OR AGENCY.

42 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.

43 H. IF A HEARING IS HELD ON THE PROPOSED RULE OR AMENDMENT, THE
44 COMMISSION SHALL PUBLISH THE PLACE, TIME AND DATE OF THE SCHEDULED PUBLIC
45 HEARING, AND THE FOLLOWING APPLY:

1 1. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL NOTIFY THE
2 EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER DESIGNATED MEMBER IN WRITING
3 AT LEAST FIVE BUSINESS DAYS BEFORE THE SCHEDULED DATE OF THE HEARING OF
4 THEIR DESIRE TO APPEAR AND TESTIFY AT THE HEARING.

5 2. HEARINGS SHALL BE CONDUCTED IN A MANNER PROVIDING EACH PERSON
6 WHO WISHES TO COMMENT A FAIR AND REASONABLE OPPORTUNITY TO COMMENT ORALLY
7 OR IN WRITING.

8 3. A TRANSCRIPT OF THE HEARING IS NOT REQUIRED UNLESS A WRITTEN
9 REQUEST FOR A TRANSCRIPT IS MADE, IN WHICH CASE THE PERSON REQUESTING THE
10 TRANSCRIPT SHALL BEAR THE COST OF PRODUCING THE TRANSCRIPT. A RECORDING
11 MAY BE MADE IN LIEU OF A TRANSCRIPT UNDER THE SAME TERMS AND CONDITIONS AS
12 A TRANSCRIPT. THIS PARAGRAPH DOES NOT PRECLUDE THE COMMISSION FROM MAKING
13 A TRANSCRIPT OR RECORDING OF THE HEARING IF IT SO CHOOSES.

14 4. THIS SECTION DOES NOT REQUIRE A SEPARATE HEARING ON EACH RULE.
15 RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE COMMISSION AT HEARINGS
16 REQUIRED BY THIS SECTION.

17 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE OF
18 BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT HELD, THE
19 COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL COMMENTS RECEIVED.

20 J. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE
21 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE
22 OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF
23 THE RULE.

24 K. IF NO WRITTEN NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING BY
25 INTERESTED PARTIES IS RECEIVED, THE COMMISSION MAY PROCEED WITH
26 PROMULGATING THE PROPOSED RULE WITHOUT A PUBLIC HEARING.

27 L. ON A DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
28 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, OPPORTUNITY FOR
29 COMMENT OR HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES PROVIDED
30 IN THIS COMPACT AND IN THIS SECTION ARE RETROACTIVELY APPLIED TO THE RULE
31 AS SOON AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY DAYS AFTER
32 THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION, AN
33 EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY
34 OF THE FOLLOWING:

35 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.

36 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.

37 3. MEET A DEADLINE FOR THE PROMULGATION OF AN ADMINISTRATIVE RULE
38 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.

39 4. PROTECT THE PUBLIC HEALTH AND SAFETY.

40 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
41 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF
42 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY
43 OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON
44 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE
45 BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY

1 BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
2 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO
3 THE EXECUTIVE DIRECTOR OF THE COMMISSION BEFORE THE END OF THE NOTICE
4 PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT
5 FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE
6 EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

7 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

8 A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

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 THIS COMPACT'S PURPOSES
12 AND INTENT. THIS COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL HAVE
13 STANDING AS STATUTORY LAW.

14 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THIS 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
17 POWERS, RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.

18 3. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY
19 SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN SUCH A PROCEEDING
20 FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION
21 RENDERS A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT OR
22 PROMULGATED RULES.

23 B. DEFAULT, TECHNICAL ASSISTANCE AND TERMINATION ARE AS FOLLOWS:

24 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS DEFAULTED
25 IN THE PERFORMANCE OF ITS OBLIGATIONS OR RESPONSIBILITIES UNDER THIS
26 COMPACT OR THE PROMULGATED RULES, THE COMMISSION SHALL:

27 (a) PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND OTHER MEMBER
28 STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED MEANS OF CURING THE
29 DEFAULT AND ANY OTHER ACTION TO BE TAKEN BY THE COMMISSION.

30 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
31 REGARDING THE DEFAULT.

32 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING
33 STATE MAY BE TERMINATED FROM THIS COMPACT ON AN AFFIRMATIVE VOTE OF A
34 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
37 OF OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

38 3. TERMINATION OF MEMBERSHIP IN THIS COMPACT SHALL BE IMPOSED ONLY
39 AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE BEEN EXHAUSTED. NOTICE
40 OF INTENT TO SUSPEND OR TERMINATE SHALL BE GIVEN BY THE COMMISSION TO THE
41 GOVERNOR, THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S
42 LEGISLATURE AND EACH MEMBER STATE.

43 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
44 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE

1 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
2 EFFECTIVE DATE OF TERMINATION.

3 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT
4 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THIS COMPACT,
5 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING
6 STATE.

7 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE COMMISSION BY
8 PETITIONING THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
9 OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES.
10 THE PREVAILING MEMBER STATE SHALL BE AWARDED ALL COSTS OF SUCH LITIGATION,
11 INCLUDING REASONABLE ATTORNEY FEES.

12 C. DISPUTE RESOLUTION IS AS FOLLOWS:

13 1. ON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL ATTEMPT TO
14 RESOLVE DISPUTES RELATED TO THIS COMPACT THAT ARISE AMONG MEMBER STATES
15 AND BETWEEN MEMBER AND NONMEMBER STATES.

16 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR BOTH
17 MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS APPROPRIATE.

18 D. ENFORCEMENT IS AS FOLLOWS:

19 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS DISCRETION,
20 SHALL ENFORCE THE PROVISIONS AND RULES OF THIS COMPACT.

21 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL ACTION IN
22 THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA OR THE
23 FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS PRINCIPAL OFFICES AGAINST A
24 MEMBER STATE IN DEFAULT TO ENFORCE COMPLIANCE WITH THE PROVISIONS OF THE
25 COMPACT AND ITS PROMULGATED RULES AND BYLAWS. THE RELIEF SOUGHT MAY
26 INCLUDE BOTH INJUNCTIVE RELIEF AND DAMAGES. IF JUDICIAL ENFORCEMENT IS
27 NECESSARY, THE PREVAILING MEMBER STATE SHALL BE AWARDED ALL COSTS OF SUCH
28 LITIGATION, INCLUDING REASONABLE ATTORNEY FEES.

29 3. THE REMEDIES PRESCRIBED IN THIS COMPACT SHALL NOT BE THE
30 EXCLUSIVE REMEDIES OF THE COMMISSION. THE COMMISSION MAY PURSUE ANY OTHER
31 REMEDIES AVAILABLE UNDER FEDERAL OR STATE LAW.

32 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
33 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED
34 RULES, WITHDRAWAL AND AMENDMENT

35 A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THE COMPACT
36 STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS,
37 WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE POWERS
38 GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE PROMULGATION OF
39 RULES. THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING
40 POWERS NECESSARY TO IMPLEMENT AND ADMINISTER THIS COMPACT.

41 B. ANY STATE THAT JOINS THIS COMPACT AFTER THE COMMISSION'S INITIAL
42 ADOPTION OF THE RULES IS SUBJECT TO THE RULES AS THEY EXIST ON THE DATE ON
43 WHICH THIS COMPACT BECOMES LAW IN THAT STATE. ANY RULE THAT HAS BEEN
44 PREVIOUSLY ADOPTED BY THE COMMISSION HAS THE FULL FORCE AND EFFECT OF LAW
45 ON THE DAY THIS COMPACT BECOMES LAW IN THAT STATE.

1 C. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT BY ENACTING A
2 STATUTE REPEALING THE SAME, AND THE FOLLOWING APPLY:

3 1. A MEMBER STATE'S WITHDRAWAL DOES NOT TAKE EFFECT UNTIL SIX
4 MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

5 2. WITHDRAWAL DOES NOT AFFECT THE CONTINUING REQUIREMENT OF THE
6 WITHDRAWING STATE'S EMS AUTHORITY TO COMPLY WITH THE INVESTIGATIVE AND
7 ADVERSE ACTION REPORTING REQUIREMENTS OF THIS ACT BEFORE THE EFFECTIVE
8 DATE OF WITHDRAWAL.

9 D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY EMS PERSONNEL
10 LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER
11 STATE AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
12 THIS COMPACT.

13 E. THIS COMPACT MAY BE AMENDED BY THE MEMBER STATES. AN AMENDMENT
14 TO THIS COMPACT DOES NOT BECOME EFFECTIVE AND BINDING ON ANY MEMBER STATE
15 UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER STATES.

16 SECTION 15. CONSTRUCTION AND SEVERABILITY

17 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO EFFECTUATE THE
18 PURPOSES OF THIS COMPACT. IF THIS COMPACT IS HELD CONTRARY TO THE
19 CONSTITUTION OF ANY STATE MEMBER THERETO, THIS COMPACT REMAINS IN FULL
20 FORCE AND EFFECT AS TO THE REMAINING MEMBER STATES. THIS COMPACT DOES NOT
21 SUPERSEDE STATE LAW OR RULES RELATED TO LICENSURE OF EMS AGENCIES.

22 Sec. 5. Section 41-619.51, Arizona Revised Statutes, is amended to
23 read:

24 41-619.51. Definitions

25 In this article, unless the context otherwise requires:

26 1. "Agency" means the supreme court, the department of economic
27 security, the department of child safety, the department of education, the
28 department of health services, the department of juvenile corrections, the
29 department of emergency and military affairs, the department of public
30 safety, the department of transportation, the state real estate
31 department, the department of insurance and financial institutions, the
32 Arizona game and fish department, the Arizona department of agriculture,
33 the board of examiners of nursing care institution administrators and
34 assisted living facility managers, the state board of dental examiners,
35 the Arizona state board of pharmacy, the board of physical therapy, the
36 state board of psychologist examiners, the board of athletic training, the
37 board of occupational therapy examiners, the state board of podiatry
38 examiners, the acupuncture board of examiners, the state board of
39 technical registration, the board of massage therapy, the board of
40 behavioral health examiners or the Arizona department of housing.

41 2. "Board" means the board of fingerprinting.

42 3. "Central registry exception" means notification to the
43 department of economic security, the department of child safety or the
44 department of health services, as appropriate, pursuant to section

1 41-619.57 that the person is not disqualified because of a central
2 registry check conducted pursuant to section 8-804.

3 4. "Expedited review" means an examination, in accordance with
4 board rule, of the documents an applicant submits by the board or its
5 hearing officer without the applicant being present.

6 5. "Good cause exception" means the issuance of a fingerprint
7 clearance card to an employee pursuant to section 41-619.55.

8 6. "Person" means a person who is required to be fingerprinted
9 pursuant to this article or who is subject to a central registry check and
10 any of the following:

- 11 (a) Section 3-314.
- 12 (b) Section 8-105.
- 13 (c) Section 8-322.
- 14 (d) Section 8-463.
- 15 (e) Section 8-509.
- 16 (f) Section 8-802.
- 17 (g) Section 8-804.
- 18 (h) Section 15-183.
- 19 (i) Section 15-503.
- 20 (j) Section 15-512.
- 21 (k) Section 15-534.
- 22 (l) Section 15-763.01.
- 23 (m) Section 15-782.02.
- 24 (n) Section 15-1330.
- 25 (o) Section 15-1881.
- 26 (p) Section 17-215.
- 27 (q) Section 28-3228.
- 28 (r) Section 28-3413.
- 29 (s) Section 32-122.02.
- 30 (t) Section 32-122.05.
- 31 (u) Section 32-122.06.
- 32 (v) Section 32-823.
- 33 (w) Section 32-1232.
- 34 (x) Section 32-1276.01.
- 35 (y) Section 32-1284.
- 36 (z) Section 32-1297.01.
- 37 (aa) Section 32-1904.
- 38 (bb) Section 32-1941.
- 39 (cc) Section 32-1982.
- 40 (dd) Section 32-2022.
- 41 (ee) Section 32-2063.
- 42 (ff) Section 32-2108.01.
- 43 (gg) Section 32-2123.
- 44 (hh) Section 32-2371.
- 45 (ii) Section 32-3271.

- 1 (jj) Section 32-3430.
- 2 (kk) Section 32-3620.
- 3 (ll) Section 32-3668.
- 4 (mm) Section 32-3669.
- 5 (nn) Section 32-3922.
- 6 (oo) Section 32-3924.
- 7 (pp) Section 32-4128.
- 8 (qq) Section 32-4222.
- 9 (rr) Section 36-113.
- 10 (ss) Section 36-207.
- 11 (tt) Section 36-411.
- 12 (uu) Section 36-425.03.
- 13 (vv) Section 36-446.04.
- 14 (ww) Section 36-594.01.
- 15 (xx) Section 36-594.02.
- 16 (yy) Section 36-766.01.
- 17 (zz) Section 36-882.
- 18 (aaa) Section 36-883.02.
- 19 (bbb) Section 36-897.01.
- 20 (ccc) Section 36-897.03.
- 21 (ddd) Section 36-1940.
- 22 (eee) Section 36-1940.01.
- 23 (fff) Section 36-2069.
- 24 (ggg) SECTION 36-2202.
- 25 ~~(ggg)~~ (hhh) Section 36-3008.
- 26 ~~(hhh)~~ (iii) Section 41-619.53.
- 27 ~~(iii)~~ (jjj) Section 41-1964.
- 28 ~~(jjj)~~ (kkk) Section 41-1967.01.
- 29 ~~(kkk)~~ (lll) Section 41-1968.
- 30 ~~(lll)~~ (mmm) Section 41-1969.
- 31 ~~(mmm)~~ (nnn) Section 41-2814.
- 32 ~~(nnn)~~ (ooo) Section 41-4025.
- 33 ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.
- 34 ~~(ppp)~~ (qqq) Section 46-321.

35 Sec. 6. Section 41-1758, Arizona Revised Statutes, is amended to
36 read:

37 41-1758. Definitions

38 In this article, unless the context otherwise requires:

- 39 1. "Agency" means the supreme court, the department of economic
40 security, the department of child safety, the department of education, the
41 department of health services, the department of juvenile corrections, the
42 department of emergency and military affairs, the department of public
43 safety, the department of transportation, the state real estate
44 department, the department of insurance and financial institutions, the
45 board of fingerprinting, the Arizona game and fish department, the Arizona

1 department of agriculture, the board of examiners of nursing care
2 institution administrators and assisted living facility managers, the
3 state board of dental examiners, the Arizona state board of pharmacy, the
4 board of physical therapy, the state board of psychologist examiners, the
5 board of athletic training, the board of occupational therapy examiners,
6 the state board of podiatry examiners, the acupuncture board of examiners,
7 the state board of technical registration, the board of massage therapy,
8 the board of behavioral health examiners or the Arizona department of
9 housing.

10 2. "Division" means the fingerprinting division in the department
11 of public safety.

12 3. "Electronic or internet-based fingerprinting services" means a
13 secure system for digitizing applicant fingerprints and transmitting the
14 applicant data and fingerprints of a person or entity submitting
15 fingerprints to the department of public safety for any authorized purpose
16 under this title. For the purposes of this paragraph, "secure system"
17 means a system that complies with the information technology security
18 policy approved by the department of public safety.

19 4. "Good cause exception" means the issuance of a fingerprint
20 clearance card to an applicant pursuant to section 41-619.55.

21 5. "Person" means a person who is required to be fingerprinted
22 pursuant to any of the following:

- 23 (a) Section 3-314.
- 24 (b) Section 8-105.
- 25 (c) Section 8-322.
- 26 (d) Section 8-463.
- 27 (e) Section 8-509.
- 28 (f) Section 8-802.
- 29 (g) Section 15-183.
- 30 (h) Section 15-503.
- 31 (i) Section 15-512.
- 32 (j) Section 15-534.
- 33 (k) Section 15-763.01.
- 34 (l) Section 15-782.02.
- 35 (m) Section 15-1330.
- 36 (n) Section 15-1881.
- 37 (o) Section 17-215.
- 38 (p) Section 28-3228.
- 39 (q) Section 28-3413.
- 40 (r) Section 32-122.02.
- 41 (s) Section 32-122.05.
- 42 (t) Section 32-122.06.
- 43 (u) Section 32-823.
- 44 (v) Section 32-1232.
- 45 (w) Section 32-1276.01.

- 1 (x) Section 32-1284.
- 2 (y) Section 32-1297.01.
- 3 (z) Section 32-1904.
- 4 (aa) Section 32-1941.
- 5 (bb) Section 32-1982.
- 6 (cc) Section 32-2022.
- 7 (dd) Section 32-2063.
- 8 (ee) Section 32-2108.01.
- 9 (ff) Section 32-2123.
- 10 (gg) Section 32-2371.
- 11 (hh) Section 32-3271.
- 12 (ii) Section 32-3430.
- 13 (jj) Section 32-3620.
- 14 (kk) Section 32-3668.
- 15 (ll) Section 32-3669.
- 16 (mm) Section 32-3922.
- 17 (nn) Section 32-3924.
- 18 (oo) Section 32-4128.
- 19 (pp) Section 32-4222.
- 20 (qq) Section 36-113.
- 21 (rr) Section 36-207.
- 22 (ss) Section 36-411.
- 23 (tt) Section 36-425.03.
- 24 (uu) Section 36-446.04.
- 25 (vv) Section 36-594.01.
- 26 (ww) Section 36-594.02.
- 27 (xx) Section 36-766.01.
- 28 (yy) Section 36-882.
- 29 (zz) Section 36-883.02.
- 30 (aaa) Section 36-897.01.
- 31 (bbb) Section 36-897.03.
- 32 (ccc) Section 36-1940.
- 33 (ddd) Section 36-1940.01.
- 34 (eee) Section 36-2069.
- 35 (fff) SECTION 36-2202.
- 36 ~~(fff)~~ (ggg) Section 36-3008.
- 37 ~~(ggg)~~ (hhh) Section 41-619.52.
- 38 ~~(hhh)~~ (iii) Section 41-619.53.
- 39 ~~(iii)~~ (jjj) Section 41-1964.
- 40 ~~(jjj)~~ (kkk) Section 41-1967.01.
- 41 ~~(kkk)~~ (lll) Section 41-1968.
- 42 ~~(lll)~~ (mmm) Section 41-1969.
- 43 ~~(mmm)~~ (nnn) Section 41-2814.

1 ~~(mmn)~~ (ooo) Section 41-4025.

2 ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.

3 ~~(ppp)~~ (qqq) Section 46-321.

4 6. "Rap back services" has the same meaning prescribed in section
5 41-1750.

6 7. "Vulnerable adult" has the same meaning prescribed in section
7 13-3623.

8 Sec. 7. Section 41-1758.01, Arizona Revised Statutes, is amended to
9 read:

10 41-1758.01. Fingerprinting division: powers and duties

11 A. The fingerprinting division is established in the department of
12 public safety and shall:

13 1. Conduct fingerprint background checks for persons and applicants
14 who are seeking licenses from state agencies, employment with licensees,
15 contract providers and state agencies or employment or educational
16 opportunities with agencies that require fingerprint background checks
17 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
18 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
19 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
20 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
21 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620, 32-3668,
22 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
23 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
24 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069, 36-2202, 36-3008,
25 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814 and
26 41-4025, section 46-141, subsection A or B and section 46-321.

27 2. Issue fingerprint clearance cards. On issuance, a fingerprint
28 clearance card becomes the personal property of the cardholder and the
29 cardholder shall retain possession of the fingerprint clearance card.

30 3. On submission of an application for a fingerprint clearance
31 card, collect the fees established by the board of fingerprinting pursuant
32 to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147,
33 the monies collected in the board of fingerprinting fund.

34 4. Inform in writing each person who submits fingerprints for a
35 fingerprint background check of the right to petition the board of
36 fingerprinting for a good cause exception pursuant to section 41-1758.03,
37 41-1758.04 or 41-1758.07.

38 5. If after conducting a state and federal criminal history records
39 check the division determines that it is not authorized to issue a
40 fingerprint clearance card to a person, inform the person in writing that
41 the division is not authorized to issue a fingerprint clearance card. The
42 notice shall include the criminal history information on which the denial
43 was based. This criminal history information is subject to dissemination
44 restrictions pursuant to section 41-1750 and Public Law 92-544.

1 6. Notify the person in writing if the division suspends, revokes
2 or places a driving restriction notation on a fingerprint clearance card
3 pursuant to section 41-1758.04. The notice shall include the criminal
4 history information on which the suspension, revocation or placement of
5 the driving restriction notation was based. This criminal history
6 information is subject to dissemination restrictions pursuant to section
7 41-1750 and Public Law 92-544.

8 7. Administer and enforce this article.

9 B. The fingerprinting division may contract for electronic or
10 internet-based fingerprinting services through an entity or entities for
11 the acquisition and transmission of applicant fingerprint and data
12 submissions to the department, including identity verified fingerprints
13 pursuant to section 15-106. The entity or entities contracted by the
14 department of public safety may charge the applicant a fee for services
15 provided pursuant to this article. The entity or entities contracted by
16 the department of public safety shall comply with:

17 1. All information privacy and security measures and submission
18 standards established by the department of public safety.

19 2. The information technology security policy approved by the
20 department of public safety.