

House Engrossed Senate Bill

EMS reciprocity; compact.

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SENATE BILL 1235

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 ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION OR ON APPROVAL
26 FROM 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.

44 H. Applicants for certification shall apply to the director for
45 certification. Emergency medical care technicians shall apply for

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

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

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

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

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

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

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

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

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

42 3. Stipulates that the provider agency does not provide
43 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 director
21 shall reinstate the certificate of necessity when the certificate holder
22 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.

43 17. "SIGNIFICANT INVESTIGATORY INFORMATION" MEANS EITHER:

44 (a) INVESTIGATIVE INFORMATION THAT A STATE EMS AUTHORITY, AFTER A
45 PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY TO

1 RESPOND IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE, IF PROVED TRUE,
2 WOULD RESULT IN THE IMPOSITION OF AN ADVERSE ACTION ON A LICENSE OR
3 PRIVILEGE TO PRACTICE.

4 (b) INVESTIGATIVE INFORMATION THAT INDICATES THAT AN INDIVIDUAL
5 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF
6 WHETHER THE INDIVIDUAL HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO
7 RESPOND.

8 18. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
9 THE UNITED STATES.

10 19. "STATE EMS AUTHORITY" MEANS THE BOARD, OFFICE OR OTHER AGENCY
11 WITH THE LEGISLATIVE MANDATE TO LICENSE EMS PERSONNEL.

12 SECTION 3. HOME STATE LICENSURE

13 A. ANY MEMBER STATE IN WHICH AN INDIVIDUAL HOLDS A CURRENT LICENSE
14 IS DEEMED A HOME STATE FOR THE PURPOSES OF THIS COMPACT.

15 B. ANY MEMBER STATE MAY REQUIRE AN INDIVIDUAL TO OBTAIN AND RETAIN
16 A LICENSE TO BE AUTHORIZED TO PRACTICE IN THE MEMBER STATE UNDER
17 CIRCUMSTANCES NOT AUTHORIZED BY THE PRIVILEGE TO PRACTICE UNDER THE TERMS
18 OF THIS COMPACT.

19 C. A HOME STATE'S ISSUANCE OF A LICENSE AUTHORIZES AN INDIVIDUAL TO
20 PRACTICE IN A REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE ONLY IF THE
21 HOME STATE MEETS ALL OF THE FOLLOWING:

22 1. CURRENTLY REQUIRES THE USE OF THE NATIONAL REGISTRY OF EMERGENCY
23 MEDICAL TECHNICIANS (NREMT) EXAMINATION AS A CONDITION OF ISSUING INITIAL
24 LICENSES AT THE EMT AND PARAMEDIC LEVELS.

25 2. HAS A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING
26 COMPLAINTS ABOUT INDIVIDUALS.

27 3. NOTIFIES THE COMMISSION, IN COMPLIANCE WITH THE TERMS PRESCRIBED
28 IN THIS COMPACT, OF ANY ADVERSE ACTION OR SIGNIFICANT INVESTIGATORY
29 INFORMATION REGARDING AN INDIVIDUAL.

30 4. NOT LATER THAN FIVE YEARS AFTER ACTIVATION OF THIS COMPACT,
31 REQUIRES A CRIMINAL BACKGROUND CHECK OF ALL APPLICANTS FOR INITIAL
32 LICENSURE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINT OR OTHER
33 BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL
34 BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE
35 SUITABILITY DETERMINATION IN ACCORDANCE WITH 5 CODE OF FEDERAL REGULATIONS
36 SECTION 731.202 AND WHO SUBMIT DOCUMENTATION OF SUCH AS PROMULGATED IN THE
37 RULES OF THE COMMISSION.

38 5. COMPLIES WITH THE RULES OF THE COMMISSION.

39 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

40 A. MEMBER STATES SHALL RECOGNIZE THE PRIVILEGE TO PRACTICE OF AN
41 INDIVIDUAL WHO IS LICENSED IN ANOTHER MEMBER STATE THAT IS IN CONFORMANCE
42 WITH SECTION 3 OF THIS COMPACT.

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

45 1. BE AT LEAST EIGHTEEN YEARS OF AGE.

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

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

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

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

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

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

26 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

31 1. THE INDIVIDUAL ORIGINATES A PATIENT TRANSPORT IN A HOME STATE
32 AND TRANSPORTS THE PATIENT TO A REMOTE STATE.

33 2. THE INDIVIDUAL ORIGINATES IN THE HOME STATE AND ENTERS A REMOTE
34 STATE TO PICK UP A PATIENT AND PROVIDE CARE AND TRANSPORT OF THE PATIENT
35 TO THE HOME STATE.

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

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

40 5. OTHER CONDITIONS AS DETERMINED BY RULES PROMULGATED BY THE
41 COMMISSION.

42 SECTION 6. RELATIONSHIP TO EMERGENCY
43 MANAGEMENT ASSISTANCE COMPACT

44 ON THE DECLARATION BY A MEMBER STATE'S GOVERNOR OF A STATE OF
45 EMERGENCY OR DISASTER THAT ACTIVATES THE EMERGENCY MANAGEMENT ASSISTANCE

1 COMPACT (EMAC), ALL RELEVANT TERMS AND PROVISIONS OF EMAC APPLY AND, TO
2 THE EXTENT ANY TERMS OR PROVISIONS OF THIS COMPACT CONFLICT WITH EMAC, THE
3 TERMS OF EMAC SHALL PREVAIL WITH RESPECT TO ANY INDIVIDUAL PRACTICING IN
4 THE REMOTE STATE IN RESPONSE TO THE DECLARATION.

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

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

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

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

20 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

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

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

13 SECTION 9. ADDITIONAL POWERS INVESTED IN
14 A MEMBER STATE'S EMS AUTHORITY

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

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

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

29 SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION
30 FOR EMS PERSONNEL PRACTICE

31 A. THE COMPACT STATES HEREBY CREATE AND ESTABLISH A JOINT PUBLIC
32 AGENCY KNOWN AS THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE. THE
33 FOLLOWING APPLY:

34 1. THE COMMISSION IS A BODY POLITIC AND AN INSTRUMENTALITY OF THE
35 COMPACT STATES.

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

42 3. THIS COMPACT IS NOT A WAIVER OF SOVEREIGN IMMUNITY.

43 B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

44 1. EACH MEMBER STATE SHALL HAVE AND BE LIMITED TO ONE DELEGATE. THE
45 RESPONSIBLE OFFICIAL OF THE STATE EMS AUTHORITY OR THE STATE EMS

1 AUTHORITY'S DESIGNEE SHALL BE THE DELEGATE TO THIS COMPACT FOR EACH MEMBER
2 STATE. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS PROVIDED BY
3 THE LAW OF THE STATE FROM WHICH THE DELEGATE IS APPOINTED. ANY VACANCY
4 OCCURRING IN THE COMMISSION SHALL BE FILLED IN ACCORDANCE WITH THE LAWS OF
5 THE MEMBER STATE IN WHICH THE VACANCY EXISTS. IN THE EVENT THAT MORE THAN
6 ONE BOARD, OFFICE OR OTHER AGENCY WITH THE LEGISLATIVE MANDATE TO LICENSE
7 EMS PERSONNEL AT AND ABOVE THE LEVEL OF EMT EXISTS, THE GOVERNOR OF THAT
8 STATE WILL DETERMINE WHICH ENTITY WILL BE RESPONSIBLE FOR ASSIGNING THE
9 DELEGATE.

10 2. EACH DELEGATE SHALL BE ENTITLED TO ONE VOTE WITH REGARD TO THE
11 PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL OTHERWISE HAVE AN
12 OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND AFFAIRS OF THE COMMISSION.
13 A DELEGATE SHALL VOTE IN PERSON OR BY SUCH OTHER MEANS AS PROVIDED IN THE
14 BYLAWS. THE BYLAWS MAY PROVIDE FOR DELEGATES' PARTICIPATION IN MEETINGS
15 BY TELEPHONE OR OTHER MEANS OF COMMUNICATION.

16 3. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH CALENDAR
17 YEAR. ADDITIONAL MEETINGS SHALL BE HELD AS SET FORTH IN THE BYLAWS.

18 4. ALL MEETINGS SHALL BE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF
19 MEETINGS SHALL BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE
20 RULEMAKING PROVISIONS IN SECTION 12 OF THIS COMPACT.

21 5. THE COMMISSION MAY CONVENE IN A CLOSED, NONPUBLIC MEETING IF THE
22 COMMISSION MUST DISCUSS ANY OF THE FOLLOWING:

23 (a) NONCOMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS UNDER THE
24 COMPACT.

25 (b) THE EMPLOYMENT, COMPENSATION, DISCIPLINE OR OTHER PERSONNEL
26 MATTERS, PRACTICES OR PROCEDURES RELATED TO SPECIFIC EMPLOYEES OR OTHER
27 MATTERS RELATED TO THE COMMISSION'S INTERNAL PERSONNEL PRACTICES AND
28 PROCEDURES.

29 (c) THE CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.

30 (d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS,
31 SERVICES OR REAL ESTATE.

32 (e) THE ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE
33 OF ANY PERSON.

34 (f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
35 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.

36 (g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
37 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
38 PRIVACY.

39 (h) THE DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW
40 ENFORCEMENT PURPOSES.

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

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

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

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

18 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.

19 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:

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

21 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY
22 OR FUNCTION OF THE COMMISSION.

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

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

35 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR ESTABLISHING
36 THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING ANY
37 CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY MEMBER STATE, THE BYLAWS SHALL
38 EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION.

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

41 7. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF THE
42 COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS MONIES THAT MAY
43 EXIST AFTER THE TERMINATION OF THIS COMPACT AFTER THE PAYMENT OR RESERVING
44 OF ALL OF THE COMMISSION'S DEBTS OR OBLIGATIONS, OR BOTH.

1 8. PUBLISHING THE COMMISSION'S BYLAWS AND FILING A COPY THEREOF,
2 AND A COPY OF ANY AMENDMENT THERETO, WITH THE APPROPRIATE AGENCY OR
3 OFFICER IN EACH MEMBER STATE, IF ANY.

4 9. MAINTAINING THE COMMISSION'S FINANCIAL RECORDS IN ACCORDANCE
5 WITH THE BYLAWS.

6 10. MEETING AND TAKING SUCH ACTIONS AS ARE CONSISTENT WITH THE
7 PROVISIONS OF THIS COMPACT AND THE BYLAWS.

8 D. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

9 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND COORDINATE
10 IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT. THE RULES SHALL HAVE
11 THE FORCE AND EFFECT OF LAW AND SHALL BE BINDING IN ALL MEMBER STATES.

12 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN THE NAME
13 OF THE COMMISSION, PROVIDED THAT THE STANDING OF ANY STATE EMS AUTHORITY
14 OR OTHER REGULATORY BODY RESPONSIBLE FOR EMS PERSONNEL LICENSURE TO SUE OR
15 BE SUED UNDER APPLICABLE LAW SHALL NOT BE AFFECTED.

16 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

17 4. TO BORROW, ACCEPT OR CONTRACT FOR SERVICES OF PERSONNEL,
18 INCLUDING EMPLOYEES OF A MEMBER STATE.

19 5. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX COMPENSATION,
20 DEFINE DUTIES, GRANT SUCH INDIVIDUALS APPROPRIATE AUTHORITY TO CARRY OUT
21 THE PURPOSES OF THIS COMPACT, AND TO ESTABLISH THE COMMISSION'S PERSONNEL
22 POLICIES AND PROGRAMS RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF
23 PERSONNEL AND OTHER RELATED PERSONNEL MATTERS.

24 6. TO ACCEPT ANY AND ALL APPROPRIATE DONATIONS AND GRANTS OF
25 MONIES, EQUIPMENT, SUPPLIES, MATERIALS AND SERVICES, AND TO RECEIVE, USE
26 AND DISPOSE OF THE SAME, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL
27 STRIVE TO AVOID ANY APPEARANCE OF IMPROPRIETY AND CONFLICT OF INTEREST.

28 7. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR
29 OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL OR
30 MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL STRIVE TO AVOID ANY
31 APPEARANCE OF IMPROPRIETY.

32 8. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE, ABANDON OR
33 OTHERWISE DISPOSE OF ANY PROPERTY, REAL, PERSONAL OR MIXED.

34 9. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

35 10. TO BORROW MONIES.

36 11. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES COMPOSED
37 OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR THEIR REPRESENTATIVES,
38 AND CONSUMER REPRESENTATIVES, AND SUCH OTHER INTERESTED PERSONS AS MAY BE
39 DESIGNATED IN THIS COMPACT AND THE BYLAWS.

40 12. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO COOPERATE WITH,
41 LAW ENFORCEMENT AGENCIES.

42 13. TO ADOPT AND USE AN OFFICIAL SEAL.

43 14. TO PERFORM SUCH OTHER FUNCTIONS AS MAY BE NECESSARY OR
44 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT CONSISTENT WITH THE
45 STATE REGULATION OF EMS PERSONNEL LICENSURE AND PRACTICE.

1 E. FINANCING OF THE COMMISSION IS AS FOLLOWS:

2 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
3 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
4 ACTIVITIES.

5 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE
6 SOURCES, DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS
7 AND SERVICES.

8 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
9 EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
10 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE
11 IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH
12 YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
13 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE
14 DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL
15 MEMBER STATES.

16 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
17 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS. THE COMMISSION
18 SHALL NOT PLEDGE THE CREDIT OF ANY MEMBER STATE, EXCEPT BY AND WITH THE
19 AUTHORITY OF THE MEMBER STATE.

20 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
21 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
22 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
23 BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
24 COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC
25 ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME
26 PART OF THE ANNUAL REPORT OF THE COMMISSION.

27 F. QUALIFIED IMMUNITY, DEFENSE AND INDEMNIFICATION ARE AS FOLLOWS:

28 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
29 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY,
30 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE
31 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED
32 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
33 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
34 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
35 EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS PARAGRAPH DOES
36 NOT PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY, OR BOTH, FOR ANY
37 DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR
38 WANTON MISCONDUCT OF THAT PERSON.

39 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
40 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
41 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
42 ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
43 DUTIES OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
44 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
45 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS

1 PARAGRAPH DOES NOT PROHIBIT THAT PERSON FROM RETAINING THE PERSON'S OWN
2 COUNSEL, AND PROVIDED FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR
3 OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON
4 MISCONDUCT.

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

14 SECTION 11. COORDINATED DATABASE

15 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT AND MAINTENANCE
16 OF A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE,
17 ADVERSE ACTION AND SIGNIFICANT INVESTIGATORY INFORMATION ON ALL LICENSED
18 INDIVIDUALS IN MEMBER STATES.

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

- 23 1. IDENTIFYING INFORMATION.
- 24 2. LICENSURE DATA.
- 25 3. SIGNIFICANT INVESTIGATORY INFORMATION.
- 26 4. ADVERSE ACTIONS AGAINST A LICENSE.
- 27 5. AN INDICATOR THAT A PRIVILEGE TO PRACTICE IS RESTRICTED,
28 SUSPENDED OR REVOKED.
- 29 6. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE PROGRAM
30 PARTICIPATION.
- 31 7. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE REASON OR
32 REASONS FOR SUCH DENIAL.
- 33 8. OTHER INFORMATION THAT MAY FACILITATE THE ADMINISTRATION OF THIS
34 COMPACT, AS DETERMINED BY THE RULES OF THE COMMISSION.

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

38 D. A MEMBER STATE THAT CONTRIBUTES INFORMATION TO THE COORDINATED
39 DATABASE MAY DESIGNATE INFORMATION THAT MAY NOT BE SHARED WITH THE PUBLIC
40 WITHOUT THE EXPRESS PERMISSION OF THAT MEMBER STATE.

41 E. ANY INFORMATION SUBMITTED TO THE COORDINATED DATABASE THAT IS
42 SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE LAWS OF THE MEMBER STATE
43 CONTRIBUTING THE INFORMATION SHALL BE REMOVED FROM THE COORDINATED
44 DATABASE.

SECTION 12. RULEMAKING

1
2 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS PURSUANT TO
3 THE CRITERIA SET FORTH IN THIS SECTION AND THE RULES ADOPTED THEREUNDER.
4 RULES AND AMENDMENTS BECOME BINDING AS OF THE DATE SPECIFIED IN EACH RULE
5 OR AMENDMENT.

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

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

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

16 1. ON THE WEBSITE OF THE COMMISSION.

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

19 E. THE NOTICE OF PROPOSED RULEMAKING SHALL INCLUDE ALL OF THE
20 FOLLOWING:

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

23 2. THE TEXT OF THE PROPOSED RULE OR RULES OR AMENDMENT AND THE
24 REASON FOR THE PROPOSED RULE OR RULES.

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

27 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT NOTICE TO THE
28 COMMISSION OF THEIR INTENTION TO ATTEND THE PUBLIC HEARING AND ANY WRITTEN
29 COMMENTS.

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

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

36 1. AT LEAST TWENTY-FIVE PERSONS.

37 2. A GOVERNMENTAL SUBDIVISION OR AGENCY.

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

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

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

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

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

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

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

16 J. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE
17 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE
18 OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF
19 THE RULE.

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

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

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

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

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

35 4. PROTECT THE PUBLIC HEALTH AND SAFETY.

36 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
37 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF
38 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY
39 OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON
40 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE
41 BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY
42 BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
43 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO
44 THE EXECUTIVE DIRECTOR OF THE COMMISSION BEFORE THE END OF THE NOTICE
45 PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT

1 FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE
2 EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

3 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

4 A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

5 1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
6 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL
7 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS COMPACT'S PURPOSES
8 AND INTENT. THIS COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL HAVE
9 STANDING AS STATUTORY LAW.

10 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THIS COMPACT AND THE
11 RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A MEMBER STATE
12 PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT, WHICH MAY AFFECT THE
13 POWERS, RESPONSIBILITIES OR ACTIONS OF THE COMMISSION.

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

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

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

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

26 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
27 REGARDING THE DEFAULT.

28 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE DEFAULTING
29 STATE MAY BE TERMINATED FROM THIS COMPACT ON AN AFFIRMATIVE VOTE OF A
30 MAJORITY OF THE MEMBER STATES, AND ALL RIGHTS, PRIVILEGES AND BENEFITS
31 CONFERRED BY THIS COMPACT MAY BE TERMINATED ON THE EFFECTIVE DATE OF
32 TERMINATION. A CURE OF THE DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF
33 OBLIGATIONS OR LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

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

39 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
40 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
41 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
42 EFFECTIVE DATE OF TERMINATION.

43 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A STATE THAT
44 IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED FROM THIS COMPACT,

1 UNLESS AGREED ON IN WRITING BETWEEN THE COMMISSION AND THE DEFAULTING
2 STATE.

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

8 C. DISPUTE RESOLUTION IS AS FOLLOWS:

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

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

14 D. ENFORCEMENT IS AS FOLLOWS:

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

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

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

28 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
29 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED
30 RULES, WITHDRAWAL AND AMENDMENT

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

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

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

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

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

5 D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY EMS PERSONNEL
6 LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER
7 STATE AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
8 THIS COMPACT.

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

12 SECTION 15. CONSTRUCTION AND SEVERABILITY

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

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

20 41-619.51. Definitions

21 In this article, unless the context otherwise requires:

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

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

38 3. "Central registry exception" means notification to the
39 department of economic security, the department of child safety or the
40 department of health services, as appropriate, pursuant to section
41 41-619.57 that the person is not disqualified because of a central
42 registry check conducted pursuant to section 8-804.

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

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

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

- 6 (a) Section 3-314.
- 7 (b) Section 8-105.
- 8 (c) Section 8-322.
- 9 (d) Section 8-463.
- 10 (e) Section 8-509.
- 11 (f) Section 8-802.
- 12 (g) Section 8-804.
- 13 (h) Section 15-183.
- 14 (i) Section 15-503.
- 15 (j) Section 15-512.
- 16 (k) Section 15-534.
- 17 (l) Section 15-763.01.
- 18 (m) Section 15-782.02.
- 19 (n) Section 15-1330.
- 20 (o) Section 15-1881.
- 21 (p) Section 17-215.
- 22 (q) Section 28-3228.
- 23 (r) Section 28-3413.
- 24 (s) Section 32-122.02.
- 25 (t) Section 32-122.05.
- 26 (u) Section 32-122.06.
- 27 (v) Section 32-823.
- 28 (w) Section 32-1232.
- 29 (x) Section 32-1276.01.
- 30 (y) Section 32-1284.
- 31 (z) Section 32-1297.01.
- 32 (aa) Section 32-1904.
- 33 (bb) Section 32-1941.
- 34 (cc) Section 32-1982.
- 35 (dd) Section 32-2022.
- 36 (ee) Section 32-2063.
- 37 (ff) Section 32-2108.01.
- 38 (gg) Section 32-2123.
- 39 (hh) Section 32-2371.
- 40 (ii) Section 32-3271.
- 41 (jj) Section 32-3430.
- 42 (kk) Section 32-3620.
- 43 (ll) Section 32-3668.
- 44 (mm) Section 32-3669.
- 45 (nn) Section 32-3922.

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

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

32 41-1758. Definitions

33 In this article, unless the context otherwise requires:

- 34 1. "Agency" means the supreme court, the department of economic
35 security, the department of child safety, the department of education, the
36 department of health services, the department of juvenile corrections, the
37 department of emergency and military affairs, the department of public
38 safety, the department of transportation, the state real estate
39 department, the department of insurance and financial institutions, the
40 board of fingerprinting, the Arizona game and fish department, the Arizona
41 department of agriculture, the board of examiners of nursing care
42 institution administrators and assisted living facility managers, the
43 state board of dental examiners, the Arizona state board of pharmacy, the
44 board of physical therapy, the state board of psychologist examiners, the
45 board of athletic training, the board of occupational therapy examiners,

1 the state board of podiatry examiners, the acupuncture board of examiners,
2 the state board of technical registration, the board of massage therapy,
3 the board of behavioral health examiners or the Arizona department of
4 housing.

5 2. "Division" means the fingerprinting division in the department
6 of public safety.

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

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

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

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

- 1 (cc) Section 32-2022.
- 2 (dd) Section 32-2063.
- 3 (ee) Section 32-2108.01.
- 4 (ff) Section 32-2123.
- 5 (gg) Section 32-2371.
- 6 (hh) Section 32-3271.
- 7 (ii) Section 32-3430.
- 8 (jj) Section 32-3620.
- 9 (kk) Section 32-3668.
- 10 (ll) Section 32-3669.
- 11 (mm) Section 32-3922.
- 12 (nn) Section 32-3924.
- 13 (oo) Section 32-4128.
- 14 (pp) Section 32-4222.
- 15 (qq) Section 36-113.
- 16 (rr) Section 36-207.
- 17 (ss) Section 36-411.
- 18 (tt) Section 36-425.03.
- 19 (uu) Section 36-446.04.
- 20 (vv) Section 36-594.01.
- 21 (ww) Section 36-594.02.
- 22 (xx) Section 36-766.01.
- 23 (yy) Section 36-882.
- 24 (zz) Section 36-883.02.
- 25 (aaa) Section 36-897.01.
- 26 (bbb) Section 36-897.03.
- 27 (ccc) Section 36-1940.
- 28 (ddd) Section 36-1940.01.
- 29 (eee) Section 36-2069.
- 30 (fff) SECTION 36-2202.
- 31 ~~(ggg)~~ (ggg) Section 36-3008.
- 32 ~~(ggg)~~ (hhh) Section 41-619.52.
- 33 ~~(hhh)~~ (iii) Section 41-619.53.
- 34 ~~(iii)~~ (jjj) Section 41-1964.
- 35 ~~(jjj)~~ (kkk) Section 41-1967.01.
- 36 ~~(kkk)~~ (lll) Section 41-1968.
- 37 ~~(lll)~~ (mmm) Section 41-1969.
- 38 ~~(mmm)~~ (nnn) Section 41-2814.
- 39 ~~(nnn)~~ (ooo) Section 41-4025.
- 40 ~~(ooo)~~ (ppp) Section 46-141, subsection A or B.
- 41 ~~(ppp)~~ (qqq) Section 46-321.
- 42 6. "Rap back services" has the same meaning prescribed in section
- 43 41-1750.
- 44 7. "Vulnerable adult" has the same meaning prescribed in section
- 45 13-3623.

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

3 41-1758.01. Fingerprinting division; powers and duties

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

6 1. Conduct fingerprint background checks for persons and applicants
7 who are seeking licenses from state agencies, employment with licensees,
8 contract providers and state agencies or employment or educational
9 opportunities with agencies that require fingerprint background checks
10 pursuant to sections 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183,
11 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215,
12 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-823, 32-1232,
13 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-1982, 32-2022,
14 32-2063, 32-2108.01, 32-2123, 32-2371, 32-3271, 32-3430, 32-3620, 32-3668,
15 32-3669, 32-3922, 32-3924, 32-4128, 32-4222, 36-113, 36-207, 36-411,
16 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-766.01, 36-882, 36-883.02,
17 36-897.01, 36-897.03, 36-1940, 36-1940.01, 36-2069, 36-2202, 36-3008,
18 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969, 41-2814 and
19 41-4025, section 46-141, subsection A or B and section 46-321.

20 2. Issue fingerprint clearance cards. On issuance, a fingerprint
21 clearance card becomes the personal property of the cardholder and the
22 cardholder shall retain possession of the fingerprint clearance card.

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

27 4. Inform in writing each person who submits fingerprints for a
28 fingerprint background check of the right to petition the board of
29 fingerprinting for a good cause exception pursuant to section 41-1758.03,
30 41-1758.04 or 41-1758.07.

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

38 6. Notify the person in writing if the division suspends, revokes
39 or places a driving restriction notation on a fingerprint clearance card
40 pursuant to section 41-1758.04. The notice shall include the criminal
41 history information on which the suspension, revocation or placement of
42 the driving restriction notation was based. This criminal history
43 information is subject to dissemination restrictions pursuant to section
44 41-1750 and Public Law 92-544.

45 7. Administer and enforce this article.

1 B. The fingerprinting division may contract for electronic or
2 internet-based fingerprinting services through an entity or entities for
3 the acquisition and transmission of applicant fingerprint and data
4 submissions to the department, including identity verified fingerprints
5 pursuant to section 15-106. The entity or entities contracted by the
6 department of public safety may charge the applicant a fee for services
7 provided pursuant to this article. The entity or entities contracted by
8 the department of public safety shall comply with:

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

11 2. The information technology security policy approved by the
12 department of public safety.