

REFERENCE TITLE: EMS reciprocity; compact.

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

SB 1235

Introduced by
Senator Kavanagh

AN ACT

AMENDING TITLE 36, CHAPTER 21.1, ARIZONA REVISED STATUTES, BY ADDING
ARTICLE 2.1; 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. Title 36, chapter 21.1, Arizona Revised Statutes, is
3 amended by adding article 2.1, to read:

4 ARTICLE 2.1 EMERGENCY MEDICAL SERVICES PERSONNEL
5 LICENSURE INTERSTATE COMPACT

6 36-2259. Emergency medical services licensure interstate
7 compact

8 SECTION 1. PURPOSE

9 THE PURPOSE OF THIS COMPACT IS TO PROTECT THE PUBLIC THROUGH
10 VERIFICATION OF COMPETENCY AND TO ENSURE ACCOUNTABILITY FOR PATIENT
11 CARE-RELATED ACTIVITIES OF ALL STATES' LICENSED EMERGENCY MEDICAL SERVICES
12 (EMS) PERSONNEL, SUCH AS EMERGENCY MEDICAL TECHNICIANS (EMTs), ADVANCED
13 EMERGENCY MEDICAL TECHNICIANS (AEMTs) AND PARAMEDICS. THIS COMPACT IS
14 INTENDED TO FACILITATE THE DAY-TO-DAY MOVEMENT OF EMS PERSONNEL ACROSS
15 STATE BOUNDARIES IN THE PERFORMANCE OF THEIR EMS DUTIES AS ASSIGNED BY AN
16 APPROPRIATE AUTHORITY AND TO AUTHORIZE STATE EMS OFFICES TO AFFORD
17 IMMEDIATE LEGAL RECOGNITION TO EMS PERSONNEL WHO ARE LICENSED IN A MEMBER
18 STATE. THIS COMPACT RECOGNIZES THAT STATES HAVE A VESTED INTEREST IN
19 PROTECTING THE PUBLIC'S HEALTH AND SAFETY THROUGH THEIR LICENSING AND
20 REGULATION OF EMS PERSONNEL AND THAT SUCH STATE REGULATION SHARED AMONG
21 THE MEMBER STATES WILL BEST PROTECT THE PUBLIC HEALTH AND SAFETY. THIS
22 COMPACT IS DESIGNED TO ACHIEVE THE FOLLOWING PURPOSES AND OBJECTIVES:

- 23 1. INCREASE PUBLIC ACCESS TO EMS PERSONNEL.
- 24 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S HEALTH AND
25 SAFETY, ESPECIALLY PATIENT SAFETY.
- 26 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN THE AREAS OF EMS
27 PERSONNEL LICENSURE AND REGULATION.
- 28 4. SUPPORT THE LICENSING OF MILITARY MEMBERS WHO ARE SEPARATING
29 FROM AN ACTIVE DUTY TOUR AND THE SPOUSES OF THOSE MILITARY MEMBERS.
- 30 5. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN MEMBER STATES
31 REGARDING EMS PERSONNEL LICENSURE, ADVERSE ACTIONS AND SIGNIFICANT
32 INVESTIGATORY INFORMATION.
- 33 6. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING EMS PERSONNEL
34 PRACTICE IN EACH MEMBER STATE.
- 35 7. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD EMS
36 PERSONNEL ACCOUNTABLE THROUGH THE MUTUAL RECOGNITION OF MEMBER STATE
37 LICENSES.

38 SECTION 2. DEFINITIONS

39 IN THIS COMPACT, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 40 1. "ADVANCED EMERGENCY MEDICAL TECHNICIAN" OR "AEMT" MEANS AN
41 INDIVIDUAL WHO IS LICENSED WITH COGNITIVE KNOWLEDGE AND A SCOPE OF
42 PRACTICE THAT CORRESPONDS TO THAT LEVEL IN THE NATIONAL EMS EDUCATION
43 STANDARDS AND NATIONAL EMS SCOPE OF PRACTICE MODEL.

- 1 2. "ADVERSE ACTION" MEANS:
2 (a) ANY ADMINISTRATIVE, CIVIL, EQUITABLE OR CRIMINAL ACTION ALLOWED
3 BY A STATE'S LAWS THAT MAY BE IMPOSED AGAINST LICENSED EMS PERSONNEL BY A
4 STATE EMS AUTHORITY OR STATE COURT.
5 (b) INCLUDES ACTIONS AGAINST AN INDIVIDUAL'S LICENSE SUCH AS
6 REVOCATION, SUSPENSION, PROBATION, A CONSENT AGREEMENT, MONITORING OR
7 ANOTHER LIMITATION OR ENCUMBRANCE ON THE INDIVIDUAL'S PRACTICE, A LETTER
8 OF REPRIMAND OR ADMONITION, A FINE, A CRIMINAL CONVICTION AND A STATE
9 COURT JUDGMENT ENFORCING ADVERSE ACTIONS BY THE STATE EMS AUTHORITY.
- 10 3. "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY, NONDISCIPLINARY
11 SUBSTANCE ABUSE RECOVERY PROGRAM THAT IS APPROVED BY A STATE EMS
12 AUTHORITY.
- 13 4. "CERTIFICATION" MEANS THE SUCCESSFUL VERIFICATION OF ENTRY-LEVEL
14 COGNITIVE AND PSYCHOMOTOR COMPETENCY USING A RELIABLE, VALIDATED AND
15 LEGALLY DEFENSIBLE EXAMINATION.
- 16 5. "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY OF WHICH ALL
17 STATES THAT HAVE ENACTED THIS COMPACT ARE MEMBERS.
- 18 6. "EMERGENCY MEDICAL TECHNICIAN" OR "EMT" MEANS AN INDIVIDUAL WHO
19 IS LICENSED WITH COGNITIVE KNOWLEDGE AND A SCOPE OF PRACTICE THAT
20 CORRESPONDS TO THAT LEVEL IN THE NATIONAL EMS EDUCATION STANDARDS AND
21 NATIONAL EMS SCOPE OF PRACTICE MODEL.
- 22 7. "HOME STATE" MEANS A MEMBER STATE WHERE AN INDIVIDUAL IS
23 LICENSED TO PRACTICE EMERGENCY MEDICAL SERVICES.
- 24 8. "LICENSE" MEANS THE AUTHORIZATION BY A STATE FOR AN INDIVIDUAL
25 TO PRACTICE AS AN EMT, AEMT OR PARAMEDIC OR AT A LEVEL IN BETWEEN EMT AND
26 PARAMEDIC.
- 27 9. "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO IS LICENSED IN A MEMBER
28 STATE AND WHO IS ACCOUNTABLE FOR THE CARE DELIVERED BY EMS PERSONNEL.
- 29 10. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS COMPACT.
- 30 11. "PARAMEDIC" MEANS AN INDIVIDUAL WHO IS LICENSED WITH COGNITIVE
31 KNOWLEDGE AND A SCOPE OF PRACTICE THAT CORRESPONDS TO THAT LEVEL IN THE
32 NATIONAL EMS EDUCATION STANDARDS AND NATIONAL EMS SCOPE OF PRACTICE MODEL.
- 33 12. "PRIVILEGE TO PRACTICE" MEANS AN INDIVIDUAL'S AUTHORITY TO
34 DELIVER EMERGENCY MEDICAL SERVICES IN REMOTE STATES AS AUTHORIZED UNDER
35 THIS COMPACT.
- 36 13. "REMOTE STATE" MEANS A MEMBER STATE IN WHICH AN INDIVIDUAL IS
37 NOT LICENSED.
- 38 14. "RESTRICTED" MEANS THE OUTCOME OF AN ADVERSE ACTION THAT LIMITS
39 A LICENSE OR THE PRIVILEGE TO PRACTICE.
- 40 15. "RULE" MEANS A WRITTEN STATEMENT OF THE COMMISSION THAT IS
41 PROMULGATED PURSUANT TO SECTION 12 OF THIS COMPACT AND THAT:
42 (a) IS OF GENERAL APPLICABILITY.
43 (b) IMPLEMENTS, INTERPRETS OR PRESCRIBES A POLICY OR PROVISION OF
44 THIS COMPACT.

1 (c) IS AN ORGANIZATIONAL, PROCEDURAL OR PRACTICE REQUIREMENT OF THE
2 COMMISSION AND HAS THE FORCE AND EFFECT OF STATUTORY LAW IN A MEMBER
3 STATE.

4 (d) INCLUDES THE AMENDMENT, REPEAL OR SUSPENSION OF AN EXISTING
5 RULE.

6 16. "SCOPE OF PRACTICE" MEANS DEFINED PARAMETERS OF VARIOUS DUTIES
7 OR SERVICES THAT MAY BE PROVIDED BY AN INDIVIDUAL WITH SPECIFIC
8 CREDENTIALS AND THAT, WHETHER REGULATED BY RULE, STATUTE OR COURT
9 DECISION, TEND TO REPRESENT THE LIMITS OF SERVICES THE INDIVIDUAL MAY
10 PERFORM.

11 17. "SIGNIFICANT INVESTIGATORY INFORMATION" MEANS EITHER:

12 (a) INVESTIGATIVE INFORMATION THAT A STATE EMS AUTHORITY, AFTER A
13 PRELIMINARY INQUIRY THAT INCLUDES NOTIFICATION AND AN OPPORTUNITY TO
14 RESPOND IF REQUIRED BY STATE LAW, HAS REASON TO BELIEVE, IF PROVED TRUE,
15 WOULD RESULT IN THE IMPOSITION OF AN ADVERSE ACTION ON A LICENSE OR
16 PRIVILEGE TO PRACTICE.

17 (b) INVESTIGATIVE INFORMATION THAT INDICATES THAT AN INDIVIDUAL
18 REPRESENTS AN IMMEDIATE THREAT TO PUBLIC HEALTH AND SAFETY REGARDLESS OF
19 WHETHER THE INDIVIDUAL HAS BEEN NOTIFIED AND HAD AN OPPORTUNITY TO
20 RESPOND.

21 18. "STATE" MEANS ANY STATE, COMMONWEALTH, DISTRICT OR TERRITORY OF
22 THE UNITED STATES.

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

25 SECTION 3. HOME STATE LICENSURE

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

28 B. ANY MEMBER STATE MAY REQUIRE AN INDIVIDUAL TO OBTAIN AND RETAIN
29 A LICENSE TO BE AUTHORIZED TO PRACTICE IN THE MEMBER STATE UNDER
30 CIRCUMSTANCES NOT AUTHORIZED BY THE PRIVILEGE TO PRACTICE UNDER THE TERMS
31 OF THIS COMPACT.

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

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

38 2. HAS A MECHANISM IN PLACE FOR RECEIVING AND INVESTIGATING
39 COMPLAINTS ABOUT INDIVIDUALS.

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

43 4. NOT LATER THAN FIVE YEARS AFTER ACTIVATION OF THIS COMPACT,
44 REQUIRES A CRIMINAL BACKGROUND CHECK OF ALL APPLICANTS FOR INITIAL
45 LICENSURE, INCLUDING THE USE OF THE RESULTS OF FINGERPRINT OR OTHER

1 BIOMETRIC DATA CHECKS COMPLIANT WITH THE REQUIREMENTS OF THE FEDERAL
2 BUREAU OF INVESTIGATION, WITH THE EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE
3 SUITABILITY DETERMINATION IN ACCORDANCE WITH 5 CODE OF FEDERAL REGULATIONS
4 SECTION 731.202 AND WHO SUBMIT DOCUMENTATION OF SUCH AS PROMULGATED IN THE
5 RULES OF THE COMMISSION.

6 5. COMPLIES WITH THE RULES OF THE COMMISSION.

7 SECTION 4. COMPACT PRIVILEGE TO PRACTICE

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

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

13 1. BE AT LEAST EIGHTEEN YEARS OF AGE.

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

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

18 C. AN INDIVIDUAL PROVIDING PATIENT CARE IN A REMOTE STATE UNDER THE
19 PRIVILEGE TO PRACTICE SHALL FUNCTION WITHIN THE SCOPE OF PRACTICE
20 AUTHORIZED BY THE HOME STATE UNLESS AND UNTIL MODIFIED BY AN APPROPRIATE
21 AUTHORITY IN THE REMOTE STATE AS MAY BE DEFINED IN THE RULES OF THE
22 COMMISSION.

23 D. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION, AN
24 INDIVIDUAL PRACTICING IN A REMOTE STATE IS SUBJECT TO THE REMOTE STATE'S
25 AUTHORITY AND LAWS. A REMOTE STATE, IN ACCORDANCE WITH DUE PROCESS AND
26 THAT STATE'S LAWS, MAY RESTRICT, SUSPEND OR REVOKE AN INDIVIDUAL'S
27 PRIVILEGE TO PRACTICE IN THE REMOTE STATE AND MAY TAKE ANY OTHER NECESSARY
28 ACTIONS TO PROTECT THE HEALTH AND SAFETY OF ITS CITIZENS. IF A REMOTE
29 STATE TAKES ACTION, IT SHALL PROMPTLY NOTIFY THE HOME STATE AND THE
30 COMMISSION.

31 E. IF AN INDIVIDUAL'S LICENSE IN ANY HOME STATE IS RESTRICTED OR
32 SUSPENDED, THE INDIVIDUAL IS NOT ELIGIBLE TO PRACTICE IN A REMOTE STATE
33 UNDER THE PRIVILEGE TO PRACTICE UNTIL THE INDIVIDUAL'S HOME STATE LICENSE
34 IS RESTORED.

35 F. IF AN INDIVIDUAL'S PRIVILEGE TO PRACTICE IN ANY REMOTE STATE IS
36 RESTRICTED, SUSPENDED OR REVOKED, THE INDIVIDUAL IS NOT ELIGIBLE TO
37 PRACTICE IN ANY REMOTE STATE UNTIL THE INDIVIDUAL'S PRIVILEGE TO PRACTICE
38 IS RESTORED.

39 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

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

44 1. THE INDIVIDUAL ORIGINATES A PATIENT TRANSPORT IN A HOME STATE
45 AND TRANSPORTS THE PATIENT TO A REMOTE STATE.

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

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

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

8 5. OTHER CONDITIONS AS DETERMINED BY RULES PROMULGATED BY THE
9 COMMISSION.

10 SECTION 6. RELATIONSHIP TO EMERGENCY
11 MANAGEMENT ASSISTANCE COMPACT

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

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

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

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

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

33 SECTION 8. ADVERSE ACTIONS

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

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

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

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

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

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

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

14 F. A HOME STATE'S EMS AUTHORITY SHALL INVESTIGATE AND TAKE
15 APPROPRIATE ACTION WITH RESPECT TO REPORTED CONDUCT IN A REMOTE STATE AS
16 IT WOULD IF SUCH CONDUCT HAD OCCURRED WITHIN THE HOME STATE. IN SUCH
17 CASES, THE HOME STATE'S LAW SHALL CONTROL IN DETERMINING THE APPROPRIATE
18 ADVERSE ACTION.

19 G. THIS COMPACT DOES NOT OVERRIDE A MEMBER STATE'S DECISION THAT
20 PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE USED IN LIEU OF ADVERSE
21 ACTION AND THAT SUCH PARTICIPATION SHALL REMAIN NONPUBLIC IF REQUIRED BY
22 THE MEMBER STATE'S LAWS. MEMBER STATES SHALL REQUIRE INDIVIDUALS WHO
23 ENTER ANY ALTERNATIVE PROGRAMS TO AGREE NOT TO PRACTICE IN ANY OTHER
24 MEMBER STATE DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR
25 AUTHORIZATION FROM THE OTHER MEMBER STATE.

26 SECTION 9. ADDITIONAL POWERS INVESTED IN
27 A MEMBER STATE'S EMS AUTHORITY

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

30 1. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS THAT
31 REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF
32 EVIDENCE. SUBPOENAS ISSUED BY A MEMBER STATE'S EMS AUTHORITY FOR THE
33 ATTENDANCE AND TESTIMONY OF WITNESSES OR THE PRODUCTION OF EVIDENCE FROM
34 ANOTHER MEMBER STATE, OR BOTH, SHALL BE ENFORCED IN THE REMOTE STATE BY
35 ANY COURT OF COMPETENT JURISDICTION, ACCORDING TO THAT COURT'S PRACTICE
36 AND PROCEDURE IN CONSIDERING SUBPOENAS ISSUED IN ITS OWN PROCEEDINGS. THE
37 ISSUING STATE EMS AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL EXPENSES,
38 MILEAGE AND OTHER FEES REQUIRED BY THE SERVICE STATUTES OF THE STATE WHERE
39 THE WITNESSES OR EVIDENCE, OR BOTH, ARE LOCATED.

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

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

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

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

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

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

B. MEMBERSHIP, VOTING AND MEETINGS ARE AS FOLLOWS:

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

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

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

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

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

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

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

- 1 (c) THE CURRENT, THREATENED OR REASONABLY ANTICIPATED LITIGATION.
- 2 (d) THE NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF GOODS,
3 SERVICES OR REAL ESTATE.
- 4 (e) THE ACCUSATION OF ANY PERSON OF A CRIME OR THE FORMAL CENSURE
5 OF ANY PERSON.
- 6 (f) THE DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
7 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL.
- 8 (g) THE DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
9 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL
10 PRIVACY.
- 11 (h) THE DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW
12 ENFORCEMENT PURPOSES.
- 13 (i) THE DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATORY
14 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION OR
15 ANOTHER COMMITTEE CHARGED WITH RESPONSIBILITY OF INVESTIGATION OR
16 DETERMINATION OF COMPLIANCE ISSUES PURSUANT TO THIS COMPACT.
- 17 (j) ANY MATTER SPECIFICALLY EXEMPTED FROM DISCLOSURE BY FEDERAL OR
18 MEMBER STATE STATUTE.

19 6. IF A MEETING, OR PORTION OF A MEETING, IS CLOSED PURSUANT TO
20 THIS SUBSECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL CERTIFY
21 THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH RELEVANT EXEMPTING
22 PROVISION. THE COMMISSION SHALL KEEP MINUTES THAT FULLY AND CLEARLY
23 DESCRIBE ALL MATTERS DISCUSSED IN THE CLOSED MEETING AND SHALL PROVIDE A
24 FULL AND ACCURATE SUMMARY OF ACTIONS TAKEN, AND THE REASONS THEREFORE,
25 INCLUDING A DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED
26 IN CONNECTION WITH AN ACTION SHALL BE IDENTIFIED IN SUCH MINUTES. ALL
27 MINUTES AND DOCUMENTS OF A CLOSED MEETING SHALL REMAIN UNDER SEAL, SUBJECT
28 TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR AN ORDER OF A COURT OF
29 COMPETENT JURISDICTION.

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

- 34 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION.
- 35 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:
 - 36 (a) FOR THE ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES.
 - 37 (b) GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY AUTHORITY
38 OR FUNCTION OF THE COMMISSION.

39 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND CONDUCTING
40 MEETINGS OF THE COMMISSION, ENSURING REASONABLE ADVANCE NOTICE OF ALL
41 MEETINGS AND PROVIDING AN OPPORTUNITY FOR ATTENDANCE OF SUCH MEETINGS BY
42 INTERESTED PARTIES, WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE
43 PUBLIC'S INTEREST, THE PRIVACY OF INDIVIDUALS AND PROPRIETARY INFORMATION,
44 INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET IN CLOSED SESSION ONLY
45 AFTER A MAJORITY OF THE MEMBERSHIP VOTES TO CLOSE A MEETING IN WHOLE OR IN

1 PART. AS SOON AS PRACTICABLE, THE COMMISSION SHALL MAKE PUBLIC A COPY OF
2 THE VOTE TO CLOSE THE MEETING REVEALING THE VOTE OF EACH MEMBER WITH NO
3 PROXY VOTES ALLOWED.

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

6 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR ESTABLISHING
7 THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION. NOTWITHSTANDING ANY
8 CIVIL SERVICE OR OTHER SIMILAR LAWS OF ANY MEMBER STATE, THE BYLAWS SHALL
9 EXCLUSIVELY GOVERN THE PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION.

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

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

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

19 9. MAINTAINING THE COMMISSION'S FINANCIAL RECORDS IN ACCORDANCE
20 WITH THE BYLAWS.

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

23 D. THE COMMISSION SHALL HAVE THE FOLLOWING POWERS:

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

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

31 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS.

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

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

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

43 7. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR DONATIONS OF, OR
44 OTHERWISE TO OWN, HOLD, IMPROVE OR USE, ANY PROPERTY, REAL, PERSONAL OR

1 MIXED, PROVIDED THAT AT ALL TIMES THE COMMISSION SHALL STRIVE TO AVOID ANY
2 APPEARANCE OF IMPROPRIETY.

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

5 9. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES.

6 10. TO BORROW MONIES.

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

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

13 13. TO ADOPT AND USE AN OFFICIAL SEAL.

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

17 E. FINANCING OF THE COMMISSION IS AS FOLLOWS:

18 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT OF, THE
19 REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION AND ONGOING
20 ACTIVITIES.

21 2. THE COMMISSION MAY ACCEPT ANY AND ALL APPROPRIATE REVENUE
22 SOURCES, DONATIONS AND GRANTS OF MONIES, EQUIPMENT, SUPPLIES, MATERIALS
23 AND SERVICES.

24 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL ASSESSMENT FROM
25 EACH MEMBER STATE OR IMPOSE FEES ON OTHER PARTIES TO COVER THE COST OF THE
26 OPERATIONS AND ACTIVITIES OF THE COMMISSION AND ITS STAFF, WHICH MUST BE
27 IN A TOTAL AMOUNT SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH
28 YEAR FOR WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
29 ANNUAL ASSESSMENT AMOUNT SHALL BE ALLOCATED BASED ON A FORMULA TO BE
30 DETERMINED BY THE COMMISSION, WHICH SHALL PROMULGATE A RULE BINDING ON ALL
31 MEMBER STATES.

32 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND BEFORE
33 SECURING THE MONIES ADEQUATE TO MEET THE OBLIGATIONS. THE COMMISSION
34 SHALL NOT PLEDGE THE CREDIT OF ANY MEMBER STATE, EXCEPT BY AND WITH THE
35 AUTHORITY OF THE MEMBER STATE.

36 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL RECEIPTS AND
37 DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF THE COMMISSION ARE
38 SUBJECT TO THE AUDIT AND ACCOUNTING PROCEDURES ESTABLISHED UNDER ITS
39 BYLAWS. HOWEVER, ALL RECEIPTS AND DISBURSEMENTS OF MONIES HANDLED BY THE
40 COMMISSION SHALL BE AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC
41 ACCOUNTANT, AND THE REPORT OF THE AUDIT SHALL BE INCLUDED IN AND BECOME
42 PART OF THE ANNUAL REPORT OF THE COMMISSION.

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

44 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES AND
45 REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND LIABILITY,

1 EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY CLAIM FOR DAMAGE
2 TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR OTHER CIVIL LIABILITY CAUSED
3 BY OR ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT
4 OCCURRED, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS MADE HAD A
5 REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF COMMISSION
6 EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS PARAGRAPH DOES
7 NOT PROTECT ANY SUCH PERSON FROM SUIT OR LIABILITY, OR BOTH, FOR ANY
8 DAMAGE, LOSS, INJURY OR LIABILITY CAUSED BY THE INTENTIONAL OR WILFUL OR
9 WANTON MISCONDUCT OF THAT PERSON.

10 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER, EXECUTIVE
11 DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION IN ANY CIVIL ACTION
12 SEEKING TO IMPOSE LIABILITY ARISING OUT OF ANY ACTUAL OR ALLEGED ACT,
13 ERROR OR OMISSION THAT OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT,
14 DUTIES OR RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
15 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE SCOPE OF
16 COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT THIS
17 PARAGRAPH DOES NOT PROHIBIT THAT PERSON FROM RETAINING THE PERSON'S OWN
18 COUNSEL, AND PROVIDED FURTHER THAT THE ACTUAL OR ALLEGED ACT, ERROR OR
19 OMISSION DID NOT RESULT FROM THAT PERSON'S INTENTIONAL OR WILFUL OR WANTON
20 MISCONDUCT.

21 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY MEMBER,
22 OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE OR REPRESENTATIVE OF THE COMMISSION
23 FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT OBTAINED AGAINST THAT PERSON
24 ARISING OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR OR OMISSION THAT OCCURRED
25 WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, OR
26 THAT SUCH PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
27 SCOPE OF COMMISSION EMPLOYMENT, DUTIES OR RESPONSIBILITIES, PROVIDED THAT
28 THE ACTUAL OR ALLEGED ACT, ERROR OR OMISSION DID NOT RESULT FROM THE
29 INTENTIONAL OR WILFUL OR WANTON MISCONDUCT OF THAT PERSON.

30 SECTION 11. COORDINATED DATABASE

31 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT AND MAINTENANCE
32 OF A COORDINATED DATABASE AND REPORTING SYSTEM CONTAINING LICENSURE,
33 ADVERSE ACTION AND SIGNIFICANT INVESTIGATORY INFORMATION ON ALL LICENSED
34 INDIVIDUALS IN MEMBER STATES.

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

- 39 1. IDENTIFYING INFORMATION.
- 40 2. LICENSURE DATA.
- 41 3. SIGNIFICANT INVESTIGATORY INFORMATION.
- 42 4. ADVERSE ACTIONS AGAINST A LICENSE.
- 43 5. AN INDICATOR THAT A PRIVILEGE TO PRACTICE IS RESTRICTED,
44 SUSPENDED OR REVOKED.

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

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

- 7 1. AT LEAST TWENTY-FIVE PERSONS.
- 8 2. A GOVERNMENTAL SUBDIVISION OR AGENCY.
- 9 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.

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

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

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

20 3. A TRANSCRIPT OF THE HEARING IS NOT REQUIRED UNLESS A WRITTEN
21 REQUEST FOR A TRANSCRIPT IS MADE, IN WHICH CASE THE PERSON REQUESTING THE
22 TRANSCRIPT SHALL BEAR THE COST OF PRODUCING THE TRANSCRIPT. A RECORDING
23 MAY BE MADE IN LIEU OF A TRANSCRIPT UNDER THE SAME TERMS AND CONDITIONS AS
24 A TRANSCRIPT. THIS PARAGRAPH DOES NOT PRECLUDE THE COMMISSION FROM MAKING
25 A TRANSCRIPT OR RECORDING OF THE HEARING IF IT SO CHOOSES.

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

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

32 J. THE COMMISSION, BY MAJORITY VOTE OF ALL MEMBERS, SHALL TAKE
33 FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE EFFECTIVE DATE
34 OF THE RULE, IF ANY, BASED ON THE RULEMAKING RECORD AND THE FULL TEXT OF
35 THE RULE.

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

39 L. ON A DETERMINATION THAT AN EMERGENCY EXISTS, THE COMMISSION MAY
40 CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT PRIOR NOTICE, OPPORTUNITY FOR
41 COMMENT OR HEARING, PROVIDED THAT THE USUAL RULEMAKING PROCEDURES PROVIDED
42 IN THIS COMPACT AND IN THIS SECTION ARE RETROACTIVELY APPLIED TO THE RULE
43 AS SOON AS REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY DAYS AFTER
44 THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS SUBSECTION, AN

1 EMERGENCY RULE IS ONE THAT MUST BE ADOPTED IMMEDIATELY IN ORDER TO DO ANY
2 OF THE FOLLOWING:

- 3 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY OR WELFARE.
- 4 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE MONIES.
- 5 3. MEET A DEADLINE FOR THE PROMULGATION OF AN ADMINISTRATIVE RULE
6 THAT IS ESTABLISHED BY FEDERAL LAW OR RULE.
- 7 4. PROTECT THE PUBLIC HEALTH AND SAFETY.

8 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE COMMISSION MAY
9 DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR AMENDMENT FOR PURPOSES OF
10 CORRECTING TYPOGRAPHICAL ERRORS, ERRORS IN FORMAT, ERRORS IN CONSISTENCY
11 OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY REVISIONS SHALL BE POSTED ON
12 THE WEBSITE OF THE COMMISSION. THE REVISION SHALL BE SUBJECT TO CHALLENGE
13 BY ANY PERSON FOR A PERIOD OF THIRTY DAYS AFTER POSTING. THE REVISION MAY
14 BE CHALLENGED ONLY ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL
15 CHANGE TO A RULE. A CHALLENGE SHALL BE MADE IN WRITING AND DELIVERED TO
16 THE EXECUTIVE DIRECTOR OF THE COMMISSION BEFORE THE END OF THE NOTICE
17 PERIOD. IF NO CHALLENGE IS MADE, THE REVISION WILL TAKE EFFECT WITHOUT
18 FURTHER ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE
19 EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

20 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

21 A. OVERSIGHT OF THE COMMISSION IS AS FOLLOWS:

22 1. THE EXECUTIVE, LEGISLATIVE AND JUDICIAL BRANCHES OF STATE
23 GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS COMPACT AND TAKE ALL
24 ACTIONS NECESSARY AND APPROPRIATE TO EFFECTUATE THIS COMPACT'S PURPOSES
25 AND INTENT. THIS COMPACT AND THE RULES PROMULGATED HEREUNDER SHALL HAVE
26 STANDING AS STATUTORY LAW.

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

31 3. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS IN ANY
32 SUCH PROCEEDING AND SHALL HAVE STANDING TO INTERVENE IN SUCH A PROCEEDING
33 FOR ALL PURPOSES. FAILURE TO PROVIDE SERVICE OF PROCESS TO THE COMMISSION
34 RENDERS A JUDGMENT OR ORDER VOID AS TO THE COMMISSION, THIS COMPACT OR
35 PROMULGATED RULES.

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

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

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

43 (b) PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL ASSISTANCE
44 REGARDING THE DEFAULT.

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

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

12 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL
13 ASSESSMENTS, OBLIGATIONS AND LIABILITIES INCURRED THROUGH THE EFFECTIVE
14 DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND BEYOND THE
15 EFFECTIVE DATE OF TERMINATION.

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

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

25 C. DISPUTE RESOLUTION IS AS FOLLOWS:

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

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

31 D. ENFORCEMENT IS AS FOLLOWS:

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

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

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

1 SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE
2 COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED
3 RULES, WITHDRAWAL AND AMENDMENT

4 A. THIS COMPACT IS EFFECTIVE ON THE DATE ON WHICH THE COMPACT
5 STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE. THE PROVISIONS,
6 WHICH BECOME EFFECTIVE AT THAT TIME, SHALL BE LIMITED TO THE POWERS
7 GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND THE PROMULGATION OF
8 RULES. THEREAFTER, THE COMMISSION SHALL MEET AND EXERCISE RULEMAKING
9 POWERS NECESSARY TO IMPLEMENT AND ADMINISTER THIS COMPACT.

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

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

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

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

23 D. THIS COMPACT DOES NOT INVALIDATE OR PREVENT ANY EMS PERSONNEL
24 LICENSURE AGREEMENT OR OTHER COOPERATIVE ARRANGEMENT BETWEEN A MEMBER
25 STATE AND A NONMEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
26 THIS COMPACT.

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

30 SECTION 15. CONSTRUCTION AND SEVERABILITY

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