

# SENATE BILL No. 510

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-31.5.

**Synopsis:** EMS personnel licensure interstate compact. Implements the emergency medical services personnel licensure interstate compact.

**Effective:** July 1, 2019.

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## Charbonneau, Merritt

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January 14, 2019, read first time and referred to Committee on Health and Provider Services.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 510

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-31.5 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2019]:

4 **ARTICLE 31.5. EMERGENCY MEDICAL SERVICES**  
5 **PERSONNEL LICENSURE INTERSTATE COMPACT**

6 **Chapter 1. Purpose**

7 **Sec. 1. In order to protect the public through verification of**  
8 **competency and ensure accountability for patient care related**  
9 **activities, all states license emergency medical services (EMS)**  
10 **personnel, such as emergency medical technicians (EMTs),**  
11 **advanced EMTs, and paramedics. This compact is intended to**  
12 **facilitate the day to day movement of EMS personnel across state**  
13 **boundaries in the performance of their EMS duties as assigned by**  
14 **an appropriate authority and authorize state EMS offices to afford**  
15 **immediate legal recognition to EMS personnel licensed in a**  
16 **member state. This compact recognizes that states have a vested**  
17 **interest in protecting the public's health and safety through their**



1       licensing and regulation of EMS personnel and that such state  
2       regulation shared among the member states will best protect public  
3       health and safety.

4       **Sec. 2. This compact is designed to achieve the following**  
5       **purposes and objectives:**

6           (1) Increase public access to EMS personnel.

7           (2) Enhance the states' ability to protect the public's health  
8           and safety, especially patient safety.

9           (3) Encourage the cooperation of member states in the areas  
10          of EMS personnel licensure and regulation.

11          (4) Support licensing of military members who are separating  
12          from an active duty tour and their spouses.

13          (5) Facilitate the exchange of information between member  
14          states regarding EMS personnel licensure, adverse action, and  
15          significant investigatory information.

16          (6) Promote compliance with the laws governing EMS  
17          personnel practice in each member state.

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

#### 21       **Chapter 2. Definitions**

22       **Sec. 1. As used in this article, "advanced emergency medical**  
23       **technician" means an individual licensed with cognitive knowledge**  
24       **and a scope of practice that corresponds to that level in the**  
25       **National EMS Education Standards and National EMS Scope of**  
26       **Practice Model.**

27       **Sec. 2. As used in this article, "adverse action" means any**  
28       **administrative, civil, equitable, or criminal action permitted by a**  
29       **state's laws which may be imposed against licensed EMS personnel**  
30       **by a state EMS authority or state court, including, but not limited**  
31       **to, actions against an individual's license, such as revocation,**  
32       **suspension, probation, consent agreement, monitoring, or other**  
33       **limitation or encumbrance on the individual's practice, letters of**  
34       **reprimand or admonition, fines, criminal convictions, and state**  
35       **court judgments enforcing adverse actions by the state EMS**  
36       **authority.**

37       **Sec. 3. As used in this article, "alternative program" means a**  
38       **voluntary, nondisciplinary substance abuse recovery program**  
39       **approved by a state EMS authority.**

40       **Sec. 4. As used in this article, "certification" means the**  
41       **successful verification of entry level cognitive and psychomotor**  
42       **competency using a reliable, validated, and legally defensible**



- 1 examination.
- 2       **Sec. 5.** As used in this article, "commission" means the national  
3 administrative body of which all states that have enacted the  
4 compact are members.
- 5       **Sec. 6.** As used in this article, "emergency medical technician or  
6 "EMT" means an individual licensed with cognitive knowledge and  
7 a scope of practice that corresponds to that level in the National  
8 EMS Education Standards and the National EMS Scope of Practice  
9 Model.
- 10       **Sec. 7.** As used in this article, "home state" means a member  
11 state where an individual is licensed to practice emergency medical  
12 services.
- 13       **Sec. 8.** As used in this article, "license" means the authorization  
14 by a state for an individual to practice as an EMT, AEMT,  
15 paramedic, or a level in between EMT and paramedic.
- 16       **Sec. 9.** As used in this article, "medical director" means a  
17 physician licensed in a member state who is accountable for the  
18 care delivered by EMS personnel.
- 19       **Sec. 10.** As used in this article, "member state" means a state  
20 that has enacted this compact.
- 21       **Sec. 11.** As used in this article, "paramedic" means an  
22 individual licensed with cognitive knowledge and a scope of  
23 practice that corresponds to that level in the National EMS  
24 Education Standards and the National EMS Scope of Practice  
25 Model.
- 26       **Sec. 12.** As used in this article, "privilege to practice" means an  
27 individual's authority to deliver emergency medical services in  
28 remote states as authorized under this compact.
- 29       **Sec. 13.** As used in this article, "remote state" means a member  
30 state in which an individual is not licensed.
- 31       **Sec. 14.** As used in this article, "restricted" means the outcome  
32 of an adverse action that limits a license or the privilege to  
33 practice.
- 34       **Sec. 15.** As used in this article, "rule" means a written statement  
35 by the interstate commission promulgated pursuant to  
36 IC 16-31.5-12 that:
- 37       (1) is of general applicability;
- 38       (2) implements, interprets, or prescribes a policy or provision  
39 of the compact; or
- 40       (3) is an organizational, a procedural, or a practice of the  
41 commission and has the force and effect of statutory law in a  
42 member state and includes the amendment, repeal, or



1 suspension of an existing rule.

2 Sec. 16. As used in this article, "scope of practice" means  
3 defined parameters of various duties or services that may be  
4 provided by an individual with specific credentials. Whether  
5 regulated by rule, statute, or court decision, it tends to represent  
6 the limits of services an individual may perform.

7 Sec. 17. As used in this article, "significant investigatory  
8 information" means:

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

14 (2) investigative information that indicates that the individual  
15 represents an immediate threat to public health and safety  
16 regardless of whether the individual has been notified and has  
17 an opportunity to respond.

18 Sec. 18. As used in this article, "state" means any state,  
19 commonwealth, district, or territory of the United States.

20 Sec. 19. As used in this article, "state EMS authority" means the  
21 board, office, or other agency with the legislative mandate to  
22 license EMS personnel.

23 **Chapter 3. Home State Licensure**

24 Sec. 1. Any member state in which an individual holds a current  
25 license shall be deemed a home state for purposes of this compact.

26 Sec. 2. Any member state may require an individual to obtain  
27 and retain a license to be authorized to practice in the member  
28 state under circumstances not authorized by the privilege to  
29 practice under the terms of this compact.

30 Sec. 3. A home state's license authorizes an individual to  
31 practice in a remote state under the privilege to practice only if the  
32 home state:

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

37 (2) has a mechanism in place for receiving and investigating  
38 complaints about individuals;

39 (3) notifies the commission, in compliance with the terms  
40 herein, of any adverse action or significant investigatory  
41 information regarding an individual;

42 (4) not later than five (5) years after activation of the



1 compact, requires a criminal background check of all  
 2 applicants for initial licensure, including the use of the results  
 3 of fingerprint or other biometric data checks compliant with  
 4 the requirements of the Federal Bureau of Investigation with  
 5 the exception of federal employees who have suitability  
 6 determination in accordance with CFR 731.202 and submit  
 7 documentation of such as promulgated in the rules of the  
 8 commission; and

9 (5) complies with the rules of the commission.

10 **Chapter 4. Compact Privilege to Practice**

11 **Sec. 1. Member states shall recognize the privilege to practice of**  
 12 **an individual licensed in another member state that is in**  
 13 **conformance with IC 16-31.5-3.**

14 **Sec. 2. To exercise the privilege to practice under the terms and**  
 15 **provisions of this compact, an individual must:**

16 (1) be at least eighteen (18) years of age;

17 (2) possess a current unrestricted license in a member state as  
 18 an EMT, an AEMT, a paramedic, or a state recognized and  
 19 licensed level with a scope of practice and authority between  
 20 EMT and paramedic; and

21 (3) practice under the supervision of a medical director.

22 **Sec. 3. An individual providing patient care in a remote state**  
 23 **under the privilege to practice shall function within the scope of**  
 24 **practice authorized by the home state unless and until modified by**  
 25 **an appropriate authority in the remote state as may be defined in**  
 26 **the rules of the commission.**

27 **Sec. 4. Except as provided in section 3 of this chapter, an**  
 28 **individual practicing in a remote state will be subject to the remote**  
 29 **state's authority and laws. A remote state may, in accordance with**  
 30 **due process and that state's laws, restrict, suspend, or revoke an**  
 31 **individual's privilege to practice in the remote state and may take**  
 32 **any other necessary actions to protect the health and safety of its**  
 33 **citizens. If a remote state takes action, it shall promptly notify the**  
 34 **home state and the commission.**

35 **Sec. 5. If an individual's license in any home state is restricted**  
 36 **or suspended, the individual shall not be eligible to practice in a**  
 37 **remote state until the privilege to practice under the individual's**  
 38 **home state license is restored.**

39 **Sec. 6. If an individual's privilege to practice in any remote state**  
 40 **is restricted, suspended, or revoked, the individual shall not be**  
 41 **eligible to practice in any remote state until that individual's**  
 42 **privilege to practice is restored.**



1           **Chapter 5. Conditions of Practice in a Remote State**

2           **Sec. 1. An individual may practice in a remote state under a**  
 3 **privilege to practice only in the performance of the individual's**  
 4 **EMS duties as assigned by an appropriate authority, as defined in**  
 5 **the rules of the commission and under the following circumstances:**

6           **(1) The individual originates a patient transport in a home**  
 7 **state and transports the patient to a remote state.**

8           **(2) The individual originates in the home state and enters a**  
 9 **remote state to pick up a patient and provide care and**  
 10 **transport of the patient to the home state.**

11           **(3) The individual enters a remote state to provide patient**  
 12 **care or transport within that remote state.**

13           **(4) The individual enters a remote state to pick up a patient**  
 14 **and provide care and transport to a third member state.**

15           **(5) Other conditions as determined by rules promulgated by**  
 16 **the commission.**

17           **Chapter 6. Relationship to Emergency Management Assistance**  
 18 **Compact**

19           **Sec. 1. Upon a member state's governor's declaration of a state**  
 20 **of emergency or disaster that activates the Emergency**  
 21 **Management Assistance Compact (EMAC), all relevant terms and**  
 22 **provisions of EMAC shall apply and to the extent any terms or**  
 23 **provisions of this compact conflicts with EMAC, the terms of**  
 24 **EMAC shall prevail with respect to any individual practicing in the**  
 25 **remote state in response to such declarations.**

26           **Chapter 7. Veterans, Service Members Separating from Active**  
 27 **Duty Military, and Their Spouses**

28           **Sec. 1. Member states shall consider a veteran, active military**  
 29 **service member, and member of the National Guard and reserves**  
 30 **separating from an active duty tour, and a spouse thereof, who**  
 31 **holds a current valid and unrestricted NREMT certification at or**  
 32 **above the level of the state license being sought as satisfying the**  
 33 **minimum training and examination requirements for such**  
 34 **licensure.**

35           **Sec. 2. Member states shall expedite the processing of licensure**  
 36 **applications submitted by veterans, active military service**  
 37 **members, and members of the National Guard and reserves,**  
 38 **separating from an active duty, and their spouses.**

39           **Sec. 3. All individuals functioning with a privilege to practice**  
 40 **under this chapter remain subject to the adverse actions provisions**  
 41 **of IC 16-31.5-8.**

42           **Chapter 8. Adverse Actions**



1           **Sec. 1. A home state shall have exclusive power to impose**  
2 **adverse action against an individual's license issued by the home**  
3 **state.**

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

8           **Sec. 3. (a) All home state adverse action orders shall include a**  
9 **statement that the individual's compact privileges are inactive. The**  
10 **order may allow the individual to practice in remote states with**  
11 **prior written authorization from both the home state and remote**  
12 **state's EMS authority.**

13           **(b) An individual currently subject to adverse action in the**  
14 **home state shall not practice in any remote state without prior**  
15 **authorization from both the home state and remote state's EMS**  
16 **authority.**

17           **Sec. 4. A member state shall report adverse actions and any**  
18 **occurrences that the individual's compact privileges are restricted,**  
19 **suspended, or revoked to the commission in accordance with the**  
20 **rules of the commission.**

21           **Sec. 5. A remote state may take adverse action on an**  
22 **individual's privilege to practice within that state.**

23           **Sec. 6. Any member state may take adverse action against a**  
24 **individual's privilege to practice in that state based on the factual**  
25 **findings of another member state, so long as each state follows its**  
26 **own procedures for imposing such adverse action.**

27           **Sec. 7. A home state's EMS authority shall investigate and take**  
28 **appropriate action with respect to reported conduct in a remote**  
29 **state as it would if such conduct had occurred within the home**  
30 **state. In such cases, the home state's law shall control in**  
31 **determining the appropriate adverse action.**

32           **Sec. 8. Nothing in this compact shall override a member state's**  
33 **decision that participation in an alternative program may be used**  
34 **in lieu of adverse action and that such participation shall remain**  
35 **nonpublic if required by the member state's laws. Member states**  
36 **must require individuals who enter any alternative programs to**  
37 **agree not to practice in any other member state during the term of**  
38 **the alternative program without prior authorization from such**  
39 **other member state.**

40           **Chapter 9. Additional Powers Invested in a Member State's**  
41 **EMS Authority**

42           **Sec. 1. (a) A member state's EMS authority, in addition to any**





1 other powers granted under state law, is authorized under this  
 2 compact to issue subpoenas for both hearings and investigations  
 3 that require the attendance and testimony of witnesses and the  
 4 production of evidence.

5 (b) Subpoenas issued by a member state's EMS authority for the  
 6 attendance and testimony of witnesses, or the production of  
 7 evidence from another member state, or both, shall be enforced in  
 8 the remote state by any court of competent jurisdiction, according  
 9 to that court's practice and procedure in considering subpoenas  
 10 issued in its own proceedings.

11 (c) The issuing state EMS authority shall pay any witness fees,  
 12 travel expenses, mileage, and other fees required by the service  
 13 statutes of the state where the witnesses or evidence, or both, are  
 14 located.

15 **Sec. 2.** A member state's EMS authority, in addition to any  
 16 other powers granted under state law, is authorized under this  
 17 compact to issue cease and desist orders to restrict, suspend, or  
 18 revoke an individual's privilege to practice in the state.

19 **Chapter 10. Establishment of the Interstate Commission for**  
 20 **EMS Personnel Practice**

21 **Sec. 1.** The compact states hereby create and establish a joint  
 22 public agency known as the Interstate Commission for EMS  
 23 Personnel Practice.

24 **Sec. 2. (a)** The commission is a body politic and an  
 25 instrumentality of the compact states.

26 (b) Venue is proper and judicial proceedings by or against the  
 27 commission shall be brought solely and exclusively in a court of  
 28 competent jurisdiction where the principal office of the commission  
 29 is located. The commission may waive venue and jurisdictional  
 30 defenses to the extent it adopts or consents to participate in  
 31 alternative dispute resolution proceedings.

32 (c) Nothing in this compact shall be construed to be a waiver of  
 33 sovereign immunity.

34 **Sec. 3. (a)** Each member state shall have and be limited to one  
 35 (1) delegate. The responsible official of the state EMS authority or  
 36 the official's designee shall be the delegate to this compact for each  
 37 member state. Any delegate may be removed or suspended from  
 38 office as provided by the law of the state from which the delegate  
 39 is appointed.

40 (b) Any vacancy occurring in the commission shall be filled in  
 41 accordance with the laws of the member state in which the vacancy  
 42 exists. In the event that more than one (1) board, office, or other



1 agency with the legislative mandate to license EMS personnel at  
2 and above the level of EMT exists, the governor of the state will  
3 determine which entity will be responsible for assigning the  
4 delegate.

5 (c) Each delegate shall be entitled to one (1) vote with regard to  
6 the promulgation of rules and creation of bylaws and shall  
7 otherwise have an opportunity to participate in the business and  
8 affairs of the commission. A delegate shall vote in person or by  
9 such other means as provided in the bylaws. The bylaws may  
10 provide for delegates' participation in meetings by telephone or  
11 other means of communication.

12 Sec. 4. (a) The commission shall meet at least once during each  
13 calendar year. Additional meetings shall be held as set forth in the  
14 bylaws.

15 (b) All meetings shall be open to the public, and public notice of  
16 meetings shall be given in the same manner as required under the  
17 rulemaking provisions in IC 16-31.5-12.

18 (c) The commission may convene in a closed, nonpublic meeting  
19 if the commission must discuss the following:

20 (1) Noncompliance of a member state with its obligations  
21 under the compact.

22 (2) The employment, compensation, discipline, or other  
23 personnel matters, practice, or procedures related to specific  
24 employees or other matters related to the commission's  
25 internal personnel practice, and procedures.

26 (3) Current, threatened, or reasonably anticipated litigation.

27 (4) Negotiation of contracts for the purchase or sale of goods,  
28 services, or real estate.

29 (5) Accusing any person of a crime or formally censuring any  
30 person.

31 (6) Disclosure of trade secrets or commercial or financial  
32 information that is privileged or confidential.

33 (7) Disclosure of information of a personal nature where  
34 disclosure would constitute a clearly unwarranted invasion of  
35 personal privacy.

36 (8) Disclosure of investigatory records compiled for law  
37 enforcement purposes.

38 (9) Disclosure of information related to any investigatory  
39 reports prepared by or on behalf of or for use of the  
40 commission or other committee charged with responsibility of  
41 investigation or determination of compliance issues pursuant  
42 to the compact.



1           **(10) Matters specifically exempted from disclosure by federal**  
 2           **or member state statute.**

3           **(d) If a meeting or portion of a meeting is closed pursuant to this**  
 4           **section, the commission's legal counsel or designee shall certify that**  
 5           **the meeting may be closed and shall reference each relevant**  
 6           **exempting provision. The commission shall keep minutes that fully**  
 7           **and clearly describe all matters discussed in a meeting and shall**  
 8           **provide a full and accurate summary of actions taken, and the**  
 9           **reasons therefore, including a description of the views expressed.**  
 10           **All documents considered in connection with an action shall be**  
 11           **identified in such minutes. All minutes and documents of a closed**  
 12           **meeting shall remain under seal, subject to release by a majority**  
 13           **vote of the commission or order of a court of competent**  
 14           **jurisdiction.**

15           **Sec. 5. The commission shall, by a majority vote of the delegates,**  
 16           **prescribe bylaws or rules, or both, to govern its conduct as may be**  
 17           **necessary or appropriate to carry out the purposes and exercise the**  
 18           **powers of the compact, including, but not limited to, the following:**

19           **(1) Establishing the fiscal year of the commission.**

20           **(2) Providing reasonable standards and procedures:**

21           **(A) for the establishment and meetings of other**  
 22           **committees; and**

23           **(B) governing any general or specific delegation of any**  
 24           **authority or function of the commission.**

25           **(3) Providing reasonable procedures for calling and**  
 26           **conducting meetings of the commission, ensuring reasonable**  
 27           **advance notice of all meetings, and providing an opportunity**  
 28           **for attendance of such meetings by interested parties, with**  
 29           **enumerated exceptions designed to protect the public's**  
 30           **interest, the privacy of individuals, and proprietary**  
 31           **information, including trade secrets. The commission may**  
 32           **meet in closed session only after a majority of the membership**  
 33           **votes to close a meeting in whole or in part. As soon as**  
 34           **practicable, the commission must make public a copy of the**  
 35           **vote to close the meeting revealing the vote of each member**  
 36           **with no proxy votes allowed.**

37           **(4) Establishing the titles, duties and authority, and**  
 38           **reasonable procedures of the election of the officers of the**  
 39           **commission.**

40           **(5) Providing reasonable standards and procedures for the**  
 41           **establishment of the personnel policies and programs of the**  
 42           **commission. Notwithstanding any civil service or other**



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similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the commission.

(6) Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees.

(7) Providing a mechanism for winding up the operations of the commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations, or both.

Sec. 6. (a) The commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

(b) The commission shall maintain its financial records in accordance with the bylaws.

Sec. 7. The commission shall meet and take such actions as are consistent with the provisions of this compact and the bylaws.

Sec. 8. The commission shall have the following powers:

(1) To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

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

(3) To purchase and maintain insurance and bonds.

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

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

(6) To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same, provided that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest, or both.

(7) To lease, purchase, accept appropriate gifts or donations



1 of, or otherwise to own, hold, improve or use, any property,  
 2 real, personal, or mixed, provided that at all times the  
 3 commission shall strive to avoid any appearance of  
 4 impropriety.

5 (8) To sell, convey, mortgage, pledge, lease, exchange,  
 6 abandon, or otherwise dispose of any property, real, personal,  
 7 or mixed.

8 (9) To establish a budget and make expenditures.

9 (10) To borrow money.

10 (11) To appoint committees, including advisory committees  
 11 comprised of members, state regulators, state legislators or  
 12 their representatives, and consumer representatives, and such  
 13 other interested persons as may be designated in this compact  
 14 and the bylaws.

15 (12) To provide and receive information from, and to  
 16 cooperate with, law enforcement agencies.

17 (13) To adopt and use an official seal.

18 (14) To perform such other functions as may be necessary or  
 19 appropriate to achieve the purposes of this compact consistent  
 20 with the state regulation of EMS personnel licensure and  
 21 practice.

22 **Sec. 9. (a) The commission shall pay, or provide for the payment**  
 23 **of, the reasonable expenses of its establishment, organization, and**  
 24 **ongoing activities.**

25 **(b) The commission may accept any and all appropriate revenue**  
 26 **sources, donations, and grants of money, equipment, supplies,**  
 27 **materials, and services.**

28 **(c) The commission may levy on and collect an annual**  
 29 **assessment from each member state or impose fees on other parties**  
 30 **to cover the cost of the operations and activities of the commission**  
 31 **and its staff, which must be in a total amount sufficient to cover its**  
 32 **annual budget as approved each year for which revenue is not**  
 33 **provided by other sources. The aggregate annual assessment**  
 34 **amount shall be allocated based upon a formula to be determined**  
 35 **by the commission, which shall promulgate a rule binding upon all**  
 36 **member states.**

37 **(d) The commission shall not incur obligations of any kind prior**  
 38 **to securing the funds adequate to meet the same, nor shall the**  
 39 **commission pledge the credit of any of the member states, except**  
 40 **by and with the authority of the member state.**

41 **(e) The commission shall keep accurate accounts of all receipts**  
 42 **and disbursements. The receipts and disbursements of the**



1 commission shall be subject to the audit and accounting procedures  
2 established under its bylaws. However, all receipts and  
3 disbursements of funds handled by the commission shall be audited  
4 yearly by a certified or licensed public accountant, and the report  
5 of the audit shall be included in and become a part of the annual  
6 report of the commission.

7 Sec. 10. (a) The members, officers, executive director,  
8 employees, and representatives of the commission shall be immune  
9 from suit and liability, either personally or in their official  
10 capacity, for any claim for damage to or loss of property or  
11 personal injury or other civil liability caused by or arising out of  
12 any actual or alleged act, error, or omission that occurred, or that  
13 the person against whom the claim is made had a reasonable basis  
14 for believing occurred within the scope of commission employment,  
15 duties, or responsibilities, provided that nothing in this subsection  
16 shall be construed to protect any such person from suit or liability,  
17 or both, for any damage, loss, injury, or liability caused by the  
18 intentional or willful or wanton misconduct of that person.

19 (b) The commission shall defend any member, officer, executive  
20 director, employee, or representative of the commission in any civil  
21 action seeking to impose liability arising out of any actual or  
22 alleged act, error, or omission that occurred within the scope of  
23 commission employment, duties, or responsibilities, or that the  
24 person against whom the claim is made had a reasonable basis for  
25 believing occurred within the scope of commission employment,  
26 duties, or responsibilities, provided that nothing in this subsection  
27 shall be construed to prohibit that person from retaining the  
28 person's own counsel, and provided further that the actual or  
29 alleged act, error, or omission did not result from that person's  
30 intentional or willful or wanton misconduct.

31 (c) The commission shall indemnify and hold harmless any  
32 member, officer, executive director, employee, or representative of  
33 the commission for the amount of any settlement or judgment  
34 obtained against that person arising out of any actual or alleged  
35 act, error, or omission that occurred within the scope of  
36 commission employment, duties, or responsibilities, or that such  
37 person had a reasonable basis for believing occurred within the  
38 scope of commission employment, duties, or responsibilities,  
39 provided that the actual or alleged act, error, or omission did not  
40 result from the intentional or willful or wanton misconduct of that  
41 person.

42 Chapter 11. Coordinated Data Base



1           **Sec. 1. The commission shall provide for the development and**  
 2 **maintenance of a coordinated data base and reporting system**  
 3 **containing licensure, adverse action, and significant investigatory**  
 4 **information on all licensed individuals in member states.**

5           **Sec. 2. Notwithstanding any other provision of state law to the**  
 6 **contrary, a member state shall submit a uniform data set to the**  
 7 **coordinated data base on all individuals to whom this compact is**  
 8 **applicable as required by the rules of the commission, including the**  
 9 **following:**

10           **(1) Identifying information.**

11           **(2) Licensure data.**

12           **(3) Significant investigatory information.**

13           **(4) Adverse actions against an individual's license.**

14           **(5) An indicator that an individual's privilege to practice is**  
 15 **restricted, suspended, or revoked.**

16           **(6) Nonconfidential information related to alternative**  
 17 **program participants.**

18           **(7) Any denial of application for licensure, and the reasons for**  
 19 **such denial.**

20           **(8) Other information that may facilitate the administration**  
 21 **of this compact, as determined by the rules of the commission.**

22           **Sec. 3. The coordinated data base administrator shall promptly**  
 23 **notify all member states of any adverse action taken against, or**  
 24 **significant investigative information on, any individual in a**  
 25 **member state.**

26           **Sec. 4. Member states contributing information to the**  
 27 **coordinated data base may designate information that may not be**  
 28 **shared with the public without the express permission of the**  
 29 **contributing state.**

30           **Sec. 5. Any information submitted to the coordinated data base**  
 31 **that is subsequently required to be expunged by the laws of the**  
 32 **member state contributing the information shall be removed from**  
 33 **the coordinated data base.**

34           **Chapter 12. Rulemaking**

35           **Sec. 1. The commission shall exercise the commission's**  
 36 **rulemaking powers pursuant to the criteria set forth in this section**  
 37 **and the rules adopted thereunder. Rules and amendments shall**  
 38 **become binding as of the date specified in each rule or amendment.**

39           **Sec. 2. If a majority of the legislatures of the member states**  
 40 **rejects a rule, by enactment of a statute or resolution in the same**  
 41 **manner used to adopt the compact, then such rule shall have no**  
 42 **further force and effect in any member state.**



1           **Sec. 3. Rules or amendments to the rules shall be adopted at a**  
 2 **regular or special meeting of the commission.**

3           **Sec. 4. (a) Prior to promulgation and adoption of a final rule by**  
 4 **the commission, and at least sixty (60) days in advance of the**  
 5 **meeting at which the rule will be considered and voted upon, the**  
 6 **commission shall file a notice of proposed rulemaking:**

7               (1) on the Internet web site of the commission; and

8               (2) on the Internet web site of each member state EMS  
 9 authority or the publication in which each state would  
 10 otherwise publish proposed rules.

11           **(b) The notice of proposed rulemaking shall include:**

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

14               (2) the text of the proposed rule or amendment and the reason  
 15 for the proposed rule;

16               (3) a request for comments on the proposed rule from any  
 17 interested person; and

18               (4) the manner in which interested persons may submit notice  
 19 to the commission of their intention to attend the public  
 20 hearing and any written comments.

21           **Sec. 5. Prior to adoption of a proposed rule, the commission**  
 22 **shall allow persons to submit written data, facts, opinions, and**  
 23 **arguments, which shall be made available to the public.**

24           **Sec. 6. The commission shall grant an opportunity for a public**  
 25 **hearing before the commission adopts a rule or amendment if a**  
 26 **hearing is requested by:**

27               (1) at least twenty-five (25) persons;

28               (2) a governmental subdivision or agency; or

29               (3) an association having at least twenty-five (25) members.

30           **Sec. 7. (a) If a hearing is held on the proposed rule or**  
 31 **amendment, the commission shall publish the place, time, and date**  
 32 **of the scheduled public hearing.**

33           **(b) All persons wishing to be heard at the hearing shall notify**  
 34 **the executive director of the commission or other designated**  
 35 **member in writing of their desire to appear and testify at the**  
 36 **hearing not less than five (5) business days before the scheduled**  
 37 **date of the hearing.**

38           **(c) Hearings shall be conducted in a manner providing each**  
 39 **person who wishes to comment a fair and reasonable opportunity**  
 40 **to comment orally or in writing.**

41           **(d) No transcript of the hearing is required, unless a written**  
 42 **request for a transcript is made, in which case the person**





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

6 (e) Nothing in this section shall be construed as requiring a  
7 separate hearing on each rule. Rules may be grouped for the  
8 convenience of the commission at hearings required by this  
9 chapter.

10 Sec. 8. Following the scheduled hearing date, or by the close of  
11 business on the scheduled hearing date if the hearing was not held,  
12 the commission shall consider all written and oral comments  
13 received.

14 Sec. 9. The commission shall, by majority vote of all members,  
15 take final action on the proposed rule and shall determine the  
16 effective date of the rule, if any, based on the rulemaking record  
17 and the full text of the rule.

18 Sec. 10. If no written notice of intent to attend the public  
19 hearing by interested parties is received, the commission may  
20 proceed with promulgation of the proposed rule without a public  
21 hearing.

22 Sec. 11. Upon determination that an emergency exists, the  
23 commission may consider and adopt an emergency rule without  
24 prior notice, opportunity for comment, or hearing, provided that  
25 the usual rulemaking procedures provided in the compact and in  
26 this section shall be retroactively applied to the rule as soon as  
27 reasonably possible, in no event later than ninety (90) days after  
28 the effective date of the rule. For purposes of this section, an  
29 emergency rule is one that must be adopted immediately in order  
30 to:

- 31 (1) meet an imminent threat to public health, safety, or  
32 welfare;
- 33 (2) prevent a loss of commission or member state funds;
- 34 (3) meet a deadline for the promulgation of an administrative  
35 rule that is established by federal law or rule; or
- 36 (4) protect public health and safety.

37 Sec. 12. (a) The commission or an authorized committee of the  
38 commission may direct revisions to a previously adopted rule or  
39 amendment for purposes of correcting typographical errors, errors  
40 in format, errors in consistency, or grammatical errors. Public  
41 notice of any revisions shall be posted on the Internet web site of  
42 the commission.



1           (b) The revisions shall be subject to challenge by any person for  
2 a period of thirty (30) days after posting. The revision may be  
3 challenged only on grounds that the revision results in a material  
4 change to a rule.

5           (c) A challenge shall be made in writing, and delivered to the  
6 chair of the commission prior to the end of the notice period. If no  
7 challenge is made, the revision will take effect without further  
8 action. If the revision is challenged, the revision may not take effect  
9 without the approval of the commission.

10           **Chapter 13. Oversight, Dispute Resolution, and Enforcement**

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

17           (b) All courts shall take judicial notice of the compact and the  
18 rules in any judicial or administrative proceeding in a member  
19 state pertaining to the subject matter of this compact which may  
20 affect the powers, responsibilities, or actions of the commission.

21           (c) The commission shall be entitled to receive service of process  
22 in any such proceeding, and shall have standing to intervene in  
23 such a proceeding for all purposes. Failure to provide service of  
24 process to the commission shall render a judgment or order void  
25 as to the commission, this compact, or promulgated rules.

26           **Sec. 2. (a)** If the commission determines that a member state has  
27 defaulted in the performance of the obligations or responsibilities  
28 under this compact or the promulgated rules, the commission shall:

29           (1) provide written notice to the defaulting state and other  
30 member states of the nature of the default, the proposed  
31 means of curing the default, or any other action to be taken by  
32 the commission; and

33           (2) provide remedial training and specific technical assistance  
34 regarding the default.

35           (b) If a state in default fails to cure the default, the defaulting  
36 state may be terminated from the compact upon an affirmative  
37 vote of a majority of the member states, and all rights, privileges,  
38 and benefits conferred by this compact may be terminated on the  
39 effective date of the termination. A cure of the default does not  
40 relieve the offending state of obligations or liabilities incurred  
41 during the period of default.

42           (c) Termination of membership in the compact shall be imposed



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

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

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

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

19 Sec. 3. (a) Upon request by a member state, the commission  
20 shall attempt to resolve disputes related to the compact that arise  
21 among member states and between member and nonmember  
22 states.

23 (b) The commission shall promulgate a rule providing for both  
24 mediation and binding dispute resolution for disputes as  
25 appropriate.

26 Sec. 4. (a) The commission, in the reasonable exercise of the  
27 commission's discretion, shall enforce the provisions and rules of  
28 this compact.

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

38 (c) The remedies herein shall not be the exclusive remedies of  
39 the commission. The commission may pursue any other remedies  
40 available under federal or state law.

41 Chapter 14. Date of Implementation of the Interstate  
42 Commission for EMS Personnel Practice and Associated Rules,



1 **Withdrawal, and Amendment**

2 **Sec. 1. The compact shall come into effect on the date on which**  
 3 **the compact statute is enacted into law in the tenth member state.**  
 4 **The provisions, which become effective at that time, shall be**  
 5 **limited to the powers granted to the commission relating to**  
 6 **assembly and the promulgation of rules. Thereafter, the**  
 7 **commission shall meet and exercise rulemaking powers necessary**  
 8 **to the implementation and administration of the compact.**

9 **Sec. 2. Any state that joins the compact subsequent to the**  
 10 **commission's initial adoption of the rules shall be subject to the**  
 11 **rules as they exist on the date on which the compact becomes law**  
 12 **in that state. Any rule that has been previously adopted by the**  
 13 **commission shall have the full force and effect of law on the day the**  
 14 **compact becomes law in that state.**

15 **Sec. 3. (a) Any member state may withdraw from this compact**  
 16 **by enacting a statute repealing the compact.**

17 **(b) A member state's withdrawal shall not take effect until six**  
 18 **(6) months after enactment of the repealing statute.**

19 **(c) Withdrawal shall not affect the continuing requirement of**  
 20 **the withdrawing state's EMS authority to comply with the**  
 21 **investigative and adverse action reporting requirements of this act**  
 22 **prior to the effective date of withdrawal.**

23 **Sec. 4. Nothing contained in this compact shall be construed to**  
 24 **invalidate or prevent any EMS personnel licensure agreement or**  
 25 **other cooperative arrangement between a member state and a**  
 26 **nonmember state that does not conflict with the provisions of this**  
 27 **compact.**

28 **Sec. 5. This compact may be amended by the member states. No**  
 29 **amendment to this compact shall become effective and binding**  
 30 **upon any member state until the amendment is enacted into the**  
 31 **laws of all member states.**

32 **Chapter 15. Construction and Severability**

33 **Sec. 1. This compact shall be liberally construed so as to**  
 34 **effectuate the purposes thereof. If this compact shall be held**  
 35 **contrary to the constitution of any state member thereto, the**  
 36 **compact shall remain in full force and effect as to the remaining**  
 37 **member states.**

38 **Sec. 2. Nothing in this compact supersedes state law or rules**  
 39 **related to licensure of EMS agencies.**

