

SENATE BILL 2234

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 68, Chapter 140, relative to
the EMS Personnel Licensure Compact.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 140, is amended by adding
SECTIONS 2 through 16 as a new part:

SECTION 2.

(a) This act shall be known and may be cited as the “Emergency Medical
Services (EMS) Personnel Licensure Compact”.

(b) The purpose of this act is to protect the public through verification of
competency and ensure accountability for patient care related activities all licensed
emergency medical services (EMS) personnel, such as emergency medical technicians
(EMTs), advanced EMTs and paramedics. This compact shall:

(1) Facilitate the day to day movement of EMS personnel across state
boundaries in the performance of their EMS duties as assigned by an appropriate
authority; and

(2) Authorize state EMS offices to afford immediate legal recognition to
EMS personnel licensed in a member state.

(c) This compact recognizes that states have a vested interest in protecting the
public's health and safety through the licensing and regulations of EMS personnel and
that the state regulation shared among the member states will best protect public health
and safety. This compact shall:

(1) Increase public access to EMS personnel;

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

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

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

(5) Facilitate the exchange of information between member states regarding EMS personnel licensure status, adverse action taken against an individual and significant investigatory information;

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

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

SECTION 3.

As used in this act:

(1) "Advanced emergency medical technician (AEMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national EMS education standards and national EMS scope of practice model;

(2) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority;

(3) "Alternative program" means a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority;

(4) "Appropriate authority" may include:

(A) The commissioner of the department of health;

(B) The director of the division of emergency medical services of the department;

(C) The Tennessee emergency medical services board; or

(D) Other persons as determined by the rules of the commission;

(5) "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination;

(6) "Commission" means the national administrative body of which all states that have enacted the compact are members;

(7) "Emergency medical services (EMS) personnel";

(A) Means individuals certified or licensed by the emergency medical services board in accordance with various categories and classifications of licenses or certificates that the board establishes; and

(B) Includes:

(i) "Emergency medical technician (EMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the national EMS education standards and national EMS scope of practice model;

(ii) Paramedics; or

(iii) AEMT;

(8) "Home state" means a member state where an individual is licensed to practice emergency medical care as emergency medical services personnel;

(9) "Individual" means a person licensed to practice emergency medical care as an EMT, paramedic, or AEMT;

(10) "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic;

(11) "Medical director" means an individual who has an active, unencumbered license to engage in the practice of medicine pursuant to title 63, chapter 6, or chapter 9, or the member state, who is accountable for the care delivered by EMS personnel;

(12) "Member state" means a state that has enacted this compact;

(13) "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and national EMS scope of practice mode;

(14) "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact;

(15) "Practice" or "practicing" means the exercise of principles and skills for effective emergency medical care under medical direction recognized as acts and responsibilities within the discipline of emergency medical services;

(16) "Remote state" means a member state in which an individual is not licensed, but may practice due to membership in the compact;

(17) "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice;

(18) "Rule" means a written statement by the interstate commission promulgated pursuant to Section 13 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the commission and has the force and effect of

statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule;

(19) "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform;

(20) "Significant investigatory information" means investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond;

(21) "State" means any state, commonwealth, district, or territory of the United States; and

(22) "State EMS authority":

(A) Means the board, office, or other agency with the legislative mandate to license EMS personnel; and

(B) May include:

(i) The commissioner of the department of health;

(ii) The director of the division of emergency medical services of the department;

(iii) The Tennessee emergency medical services board; or

(iv) Other persons as determined by the rules of the commission.

SECTION 4.

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

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

(c) A home state's license shall authorize an individual to practice in a remote state under the privilege to practice only if the home state:

(1) Requires the use of the national registry of emergency medical technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

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

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

(4) Requires, no later than five (5) years after activation of the compact, a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with US CFR § 731.202 and submit documentation of such as promulgated in the rules of the commission; and

(5) Complies with the rules of the commission.

SECTION 5.

(a) Member states shall recognize the privilege to practice of an individual licensed in another member state pursuant to Section 4.

(b) In order to exercise the privilege to practice under the terms and provisions of this compact, an individual must:

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

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

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

(c) An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless the individual's scope of practice is modified by an appropriate authority in the remote state as may be defined in the rules of the commission.

(d)

(1) Except as provided in Section 5 subsection (c), an individual practicing in a remote state shall be subject to the authority and laws of the remote state. A remote state may, in accordance with due process and the remote state's laws:

(A) Restrict, suspend, or revoke an individual's privilege to practice in the remote state; and

(B) Take any other necessary actions to protect the health and safety of the state's citizens.

(2) If a remote state takes action, the remote state shall promptly notify the home state and the commission.

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

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

SECTION 6.

An individual may practice in a remote state under a privilege to practice in the performance of the individual's EMS duties as assigned by an appropriate authority under the following circumstances:

- (1) The individual originates a patient transport in a home state and transports the patient to a remote state;
- (2) The individual originates in the home state and enters a remote state to pick up a patient, and provide care and transport of the patient to the home state;
- (3) The individual enters a remote state to provide patient care or transport within that remote state;
- (4) The individual enters a remote state to pick up a patient, provide care and transport to another member state; or
- (5) Other conditions as determined by rules promulgated by the commission.

SECTION 7.

(a) As used in this section, "Emergency Management Assistance Compact" or "EMAC" means the national interstate mutual aid agreement adopted by all fifty (50) states, the District of Columbia, the United States Virgin Islands, Puerto Rico and ratified by the 104th United States Congress in 1996 (PL-104-321) that enables states to share resources during times of disaster created during the 104th Congress.

(b) Upon a member state's governor's declaration of a state of emergency or disaster that activates the emergency management assistance compact (EMAC), EMAC shall apply and if the provisions of this compact conflict with EMAC, EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 8.

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

(b) Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the national guard and reserves separating from an active duty tour, and their spouses.

(c) Individuals with a privilege to practice under this section remain subject to the adverse actions provisions of Section 9.

SECTION 9.

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

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

(1) All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the

individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

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

(c) A member state shall report adverse actions and any occurrences that may restrict, suspend, or revoke an individual's compact privileges to the commission in accordance with the rules of the commission.

(d) A remote state may take adverse action on an individual's privilege to practice within the remote state.

(e) A member state may take adverse action against an individual's privilege to practice in the member state based on the factual findings of another member state; provided, that each state shall follow the state's procedures for imposing the adverse action.

(f) A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if the conduct had occurred within the home state. The home state's law shall control in determining the appropriate adverse action.

(g) This compact shall not prohibit a member state from requiring an individual to participate in an alternative program instead of taking an adverse action against the individual. If the member state seeks an alternative program, participation by the individual shall remain confidential and non-public only if required by the laws of the member state. Member states shall prohibit individuals who enter any alternative programs from practicing in another member state during the term of the alternative program without prior authorization from the other member state.

SECTION 10.

A member state's EMS authority, in addition to any other powers granted under state law shall:

(1) Issue subpoenas for hearings and investigations that require the attendance and testimony of witnesses and the production of evidence.

Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall:

(A) Pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

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

SECTION 11.

(a) The compact states hereby create and establish a joint public agency known as the interstate commission for EMS personnel practice.

(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 in which

the commission adopts or consents to participate in alternative dispute resolution proceedings.

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

(b)

(1) Each member state shall have one (1) delegate to represent the state in the compact. The director of the division of emergency medical services of the department of health or the director's designee shall be the delegate to this compact for each member state. A delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. A 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 the state will determine which entity shall be responsible for assigning the delegate.

(2)

(A) Each delegate shall

(i) Be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws; and

(ii) Have an opportunity to participate in the business and affairs of the commission.

(B) 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 13.

(5) The commission may convene in a closed, non-public meeting if the commission discusses the:

(A) Non-compliance of a member state under the compact;

(B) 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;

(C) Current, threatened, or reasonably anticipated litigation;

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

(E) Criminal action or a formal censure of an individual pursuant;

(F) Disclosure of:

(i) Trade secrets or commercial or financial information that is privileged or confidential;

(ii) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; or

(iii) Investigatory records compiled for law enforcement purposes;

(iv) Information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or

(G) Matters specifically exempted from disclosure by federal or member state law.

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

(c) The commission shall, by a majority vote of the delegates, prescribe bylaws or rules to govern the commission as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

(1) Establishing the fiscal year of the commission;

(2) Providing reasonable standards and procedures:

(A) For the establishment and meetings of other committees; and

(B) Governing any general or specific delegation of any authority or function of the commission;

(3) Providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of the vote to close the meeting that details the vote of each member. A vote to close a meeting shall not allow for member states to vote by proxy;

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

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

(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 and after the payment or reserving of the debts and obligations of the commission.

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

(9) The commission shall maintain its financial records in accordance with the bylaws and any applicable federal or state laws.

(10) The commission shall meet and take actions that are consistent with the provisions of the compact and bylaws.

(d) The commission shall have the authority to:

(1) 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) 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) Purchase and maintain insurance and bonds;

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

(5) Hire employees, elect or appoint officers, determine 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) 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;

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

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

(9) Establish a budget and make expenditures;

(10) Borrow money;

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

(12) Provide and receive information from, and to cooperate with, law enforcement agencies;

(13) Adopt and use an official seal; and

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

(e) Financing of the Commission:

(1) The commission shall pay for the reasonable expenses of establishment, organization, and ongoing activities of the commission.

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

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

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

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited each year by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(f)

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

scope of commission employment, duties or responsibilities; provided, that nothing in this subdivision (f)(1) shall protect a person from suit or liability for the damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

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

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

SECTION 12.

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

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

(1) Identifying information of an individual;

(2) Licensure data;

(3) Significant investigatory information;

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

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

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

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

(8) Additional information that may facilitate the administration of this compact, as determined by the rules of the commission.

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

(d) Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the state EMS authority.

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

SECTION 13.

(a) The commission shall exercise rulemaking powers pursuant to this compact. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislators of the member states reject a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the web site of the commission; and

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

(e) The notice of proposed rulemaking shall include:

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

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

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

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

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

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- (1) At least twenty-five (25) persons;
- (2) A governmental subdivision or agency; or
- (3) An association having at least twenty-five (25) members.

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

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

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

(3) A transcript of the hearing shall not be required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript.

This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(4) Nothing in this section shall require a separate hearing on each rule.

Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

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

(k) If no written notice of intent to attend the public hearing by interested parties is received, then the commission may proceed with promulgation of the proposed rule without a public hearing.

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

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

(2) Prevent a loss of commission or member state funds;

(3) Meet a deadline for the promulgation of an administrative rule that is

established by federal law or rule; or

(4) Protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

SECTION 14.

(a)

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have the force and effect of statutory law in a member state.

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

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall

render a judgment or order void as to the commission, this compact, or promulgated rules.

(b)

(1) If the commission determines that a member state has defaulted in the performance of the state's obligations or responsibilities under this compact, then the commission shall:

(A) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or additional action to be taken by the commission; and

(B) Provide remedial training and specific technical assistance to the member state regarding the default.

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

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

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

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

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

(c)

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall provide for both mediation and binding dispute resolution for disputes as appropriate.

(d)

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

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

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

SECTION 15.

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

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

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

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

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

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

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

SECTION 16.

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

SECTION 17. The Tennessee emergency medical services board is authorized to promulgate rules to effectuate the purposes of this act. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 18. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2016, the public welfare requiring it.