

INTERIM STUDY PROPOSAL 2017-068

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/14/17

**A Bill**

HOUSE BILL 2015

By: Representative Baltz

Filed with: House Committee on Public Health, Welfare, and Labor  
pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

AN ACT TO RECOGNIZE THE EMERGENCY MEDICAL SERVICES  
PERSONNEL LICENSURE INTERSTATE COMPACT; AND FOR OTHER  
PURPOSES.

**Subtitle**

TO RECOGNIZE THE EMERGENCY MEDICAL  
SERVICES PERSONNEL LICENSURE INTERSTATE  
COMPACT.

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

*SECTION 1. Arkansas Code Title 20, Chapter 13, is amended to add an  
additional subchapter to read as follows:*

SUBCHAPTER 19 – EMS PERSONNEL LICENSURE INTERSTATE COMPACT

Section 1. PURPOSE.

In order to protect the public through verification of competency and  
ensure accountability for patient care related activities all states license  
emergency medical services (EMS) personnel, such as emergency medical  
technicians (EMTs), advanced EMTs and paramedics. This Compact is intended  
to 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 authorize state EMS offices to afford immediate  
legal recognition to EMS personnel licensed in a member state. This Compact

1 recognizes that states have a vested interest in protecting the public's  
2 health and safety through their licensing and regulation of EMS personnel and  
3 that such state regulation shared among the member states will best protect  
4 public health and safety. 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 and  
8 safety, especially patient safety;

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

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

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

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

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

20  
21 Section 2. DEFINITIONS.

22 In this compact:

23 A. "Advanced Emergency Medical Technician (AEMT)" means: an  
24 individual licensed with cognitive knowledge and a scope of practice that  
25 corresponds to that level in the National EMS Education Standards and  
26 National EMS Scope of Practice Model.

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

35 C. "Alternative Program" means: a voluntary, non-disciplinary  
36 substance abuse recovery program approved by a state EMS authority.



1        D. "Certification" means: the successful verification of entry-level  
2 cognitive and psychomotor competency using a reliable, validated, and legally  
3 defensible examination.

4        E. "Commission" means: the national administrative body of which all  
5 states that have enacted the compact are members.

6        F. "Emergency Medical Technician (EMT)" means: an individual licensed  
7 with cognitive knowledge and a scope of practice that corresponds to that  
8 level in the National EMS Education Standards and National EMS Scope of  
9 Practice Model.

10       G. "Home State" means: a member state where an individual is licensed  
11 to practice emergency medical services.

12       H. "License" means: the authorization by a state for an individual to  
13 practice as an EMT, AEMT, paramedic, or a level in between EMT and paramedic.

14       I. "Medical Director" means: a physician licensed in a member state  
15 who is accountable for the care delivered by EMS personnel.

16       J. "Member State" means: a state that has enacted this compact.

17       K. "Privilege to Practice" means: an individual's authority to  
18 deliver emergency medical services in remote states as authorized under this  
19 compact.

20       L. "Paramedic" means: an individual licensed with cognitive knowledge  
21 and a scope of practice that corresponds to that level in the National EMS  
22 Education Standards and National EMS Scope of Practice Model.

23       M. "Remote State" means: a member state in which an individual is not  
24 licensed.

25       N. "Restricted" means: the outcome of an adverse action that limits a  
26 license or the privilege to practice.

27       O. "Rule" means: a written statement by the Interstate Commission  
28 promulgated pursuant to Section 12 of this compact that is of general  
29 applicability; implements, interprets, or prescribes a policy or provision of  
30 the compact; or is an organizational, procedural, or practice requirement of  
31 the Commission and has the force and effect of statutory law in a member  
32 state and includes the amendment, repeal, or suspension of an existing rule.

33       P. "Scope of Practice" means: defined parameters of various duties or  
34 services that may be provided by an individual with specific credentials.  
35 Whether regulated by rule, statute, or court decision, it tends to represent  
36 the limits of services an individual may perform.

1 Q. "Significant Investigatory Information" means:

2 1. investigative information that a state EMS authority, after a  
3 preliminary inquiry that includes notification and an opportunity to respond  
4 if required by state law, has reason to believe, if proved true, would result  
5 in the imposition of an adverse action on a license or privilege to practice;  
6 or

7 2. investigative information that indicates that the individual  
8 represents an immediate threat to public health and safety regardless of  
9 whether the individual has been notified and had an opportunity to respond.

10 R. "State" means: means any state, commonwealth, district, or  
11 territory of the United States.

12 S. "State EMS Authority" means: the board, office, or other agency  
13 with the legislative mandate to license EMS personnel.

14  
15 Section 3. HOME STATE LICENSURE.

16 A. Any member state in which an individual holds a current license  
17 shall be deemed a home state for purposes of this compact.

18 B. Any member state may require an individual to obtain and retain a  
19 license to be authorized to practice in the member state under circumstances  
20 not authorized by the privilege to practice under the terms of this compact.

21 C. A home state's license authorizes an individual to practice in a  
22 remote state under the privilege to practice only if the home state:

23 1. Currently requires the use of the National Registry of  
24 Emergency Medical Technicians (NREMT) examination as a condition of issuing  
25 initial licenses at the EMT and paramedic levels;

26 2. Has a mechanism in place for receiving and investigating  
27 complaints about individuals;

28 3. Notifies the Commission, in compliance with the terms herein,  
29 of any adverse action or significant investigatory information regarding an  
30 individual;

31 4. No later than five years after activation of the Compact,  
32 requires a criminal background check of all applicants for initial licensure,  
33 including the use of the results of fingerprint or other biometric data  
34 checks compliant with the requirements of the Federal Bureau of Investigation  
35 with the exception of federal employees who have suitability determination in  
36 accordance with US CFR §731.202 and submit documentation of such as



1 promulgated in the rules of the Commission; and

2 5. Complies with the rules of the Commission.

3  
4 Section 4. COMPACT PRIVILEGE TO PRACTICE.

5 A. Member states shall recognize the privilege to practice of an  
6 individual licensed in another member state that is in conformance with  
7 Section 3.

8 B. To exercise the privilege to practice under the terms and  
9 provisions of this compact, an individual must:

10 1. Be at least eighteen years of age;

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

14 3. Practice under the supervision of a medical director.

15 C. An individual providing patient care in a remote state under the  
16 privilege to practice shall function within the scope of practice authorized  
17 by the home state unless and until modified by an appropriate authority in  
18 the remote state as may be defined in the rules of the Commission.

19 D. Except as provided in Section 4 subsection C, an individual  
20 practicing in a remote state will be subject to the remote state's authority  
21 and laws. A remote state may, in accordance with due process and that state's  
22 laws, restrict, suspend, or revoke an individual's privilege to practice in  
23 the remote state and may take any other necessary actions to protect the  
24 health and safety of its citizens. If a remote state takes action it shall  
25 promptly notify the home state and the Commission.

26 E. If an individual's license in any home state is restricted or  
27 suspended, the individual shall not be eligible to practice in a remote state  
28 under the privilege to practice until the individual's home state license is  
29 restored.

30 F. If an individual's privilege to practice in any remote state is  
31 restricted, suspended, or revoked the individual shall not be eligible to  
32 practice in any remote state until the individual's privilege to practice is  
33 restored.

34  
35 Section 5. CONDITIONS OF PRACTICE IN A REMOTE STATE.

36 An individual may practice in a remote state under a privilege to

1 practice only in the performance of the individual's EMS duties as assigned  
2 by an appropriate authority, as defined in the rules of the Commission, and  
3 under the following circumstances:

4 1. The individual originates a patient transport in a home state  
5 and transports the patient to a remote state;

6 2. The individual originates in the home state and enters a  
7 remote state to pick up a patient and provide care and transport of the  
8 patient to the home state;

9 3. The individual enters a remote state to provide patient care  
10 and/or transport within that remote state;

11 4. The individual enters a remote state to pick up a patient and  
12 provide care and transport to a third member state;

13 5. Other conditions as determined by rules promulgated by the  
14 commission.

15  
16 Section 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

17 Upon a member state's governor's declaration of a state of emergency or  
18 disaster that activates the Emergency Management Assistance Compact, all  
19 relevant terms and provisions of EMAC shall apply and to the extent any terms  
20 or provisions of this Compact conflicts with EMAC, the terms of EMAC shall  
21 prevail with respect to any individual practicing in the remote state in  
22 response to such declaration.

23  
24 Section 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE  
25 DUTY MILITARY, AND THEIR SPOUSES.

26 A. Member states shall consider a veteran, active military service  
27 member, and member of the National Guard and reserve components of the armed  
28 forces separating from an active duty tour, and a spouse thereof, who holds a  
29 current valid and unrestricted NREMT certification at or above the level of  
30 the state license being sought as satisfying the minimum training and  
31 examination requirements for such licensure.

32 B. Member states shall expedite the processing of licensure  
33 applications submitted by veterans, active military service members, and  
34 members of the National Guard and reserve components of the armed forces  
35 separating from an active duty tour, and their spouses.

36 C. All individuals functioning with a privilege to practice under this



1 Section remain subject to the Adverse Actions provisions of Section VIII.

2  
3 Section 8. ADVERSE ACTIONS.

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

6 B. If an individual's license in any home state is restricted or  
7 suspended, the individual shall not be eligible to practice in a remote state  
8 under the privilege to practice until the individual's home state license is  
9 restored.

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

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

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

20 D. A remote state may take adverse action on an individual's privilege  
21 to practice within that state.

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

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

30 G. Nothing in this Compact shall override a member state's decision  
31 that participation in an alternative program may be used in lieu of adverse  
32 action and that such participation shall remain non-public if required by the  
33 member state's laws. Member states must require individuals who enter any  
34 alternative programs to agree not to practice in any other member state  
35 during the term of the alternative program without prior authorization from  
36 such other member state.

1  
2 Section 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S  
3 EMS AUTHORITY.

4 A member state's EMS authority, in addition to any other powers granted  
5 under state law, is authorized under this compact to:

6 1. Issue subpoenas for both hearings and investigations that  
7 require the attendance and testimony of witnesses and the production of  
8 evidence. Subpoenas issued by a member state's EMS authority for the  
9 attendance and testimony of witnesses, and/or the production of evidence from  
10 another member state, shall be enforced in the remote state by any court of  
11 competent jurisdiction, according to that court's practice and procedure in  
12 considering subpoenas issued in its own proceedings. The issuing state EMS  
13 authority shall pay any witness fees, travel expenses, mileage, and other  
14 fees required by the service statutes of the state where the witnesses and/or  
15 evidence are located; and

16 2. Issue cease and desist orders to restrict, suspend, or revoke  
17 an individual's privilege to practice in the state.

18  
19 Section 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR  
20 EMS PERSONNEL PRACTICE.

21 A. The Compact states hereby create and establish a joint public  
22 agency known as the Interstate Commission for EMS Personnel Practice.

23 1. The Commission is a body politic and an instrumentality of  
24 the Compact states.

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

31 3. Nothing in this Compact shall be construed to be a waiver of  
32 sovereign immunity.

33 B. Membership, Voting, and Meetings

34 1. Each member state shall have and be limited to one (1)  
35 delegate. The responsible official of the state EMS authority or his designee  
36 shall be the delegate to this Compact for each member state. Any delegate



1 may be removed or suspended from office as provided by the law of the state  
2 from which the delegate is appointed. Any vacancy occurring in the  
3 Commission shall be filled in accordance with the laws of the member state in  
4 which the vacancy exists. In the event that more than one board, office, or  
5 other agency with the legislative mandate to license EMS personnel at and  
6 above the level of EMT exists, the Governor of the state will determine which  
7 entity will be responsible for assigning the delegate.

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

14 3. The Commission shall meet at least once during each calendar  
15 year. Additional meetings shall be held as set forth in the bylaws.

16 4. All meetings shall be open to the public, and public notice  
17 of meetings shall be given in the same manner as required under the  
18 rulemaking provisions in Section XII.

19 5. The Commission may convene in a closed, non-public meeting if  
20 the Commission must discuss:

21 a. Non-compliance of a member state with its obligations  
22 under the Compact;

23 b. The employment, compensation, discipline or other  
24 personnel matters, practices or procedures related to specific employees or  
25 other matters related to the Commission's internal personnel practices and  
26 procedures;

27 c. Current, threatened, or reasonably anticipated  
28 litigation;

29 d. Negotiation of contracts for the purchase or sale of  
30 goods, services, or real estate;

31 e. Accusing any person of a crime or formally censuring  
32 any person;

33 f. Disclosure of trade secrets or commercial or financial  
34 information that is privileged or confidential;

35 g. Disclosure of information of a personal nature where  
36 disclosure would constitute a clearly unwarranted invasion of personal

1 privacy;

2 h. Disclosure of investigatory records compiled for law  
3 enforcement purposes;

4 i. Disclosure of information related to any investigatory  
5 reports prepared by or on behalf of or for use of the Commission or other  
6 committee charged with responsibility of investigation or determination of  
7 compliance issues pursuant to the compact; or

8 j. Matters specifically exempted from disclosure by  
9 federal or member state statute.

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

20 C. The Commission shall, by a majority vote of the delegates,  
21 prescribe bylaws and/or rules to govern its conduct as may be necessary or  
22 appropriate to carry out the purposes and exercise the powers of the compact,  
23 including but not limited to:

24 1. Establishing the fiscal year of the Commission;

25 2. Providing reasonable standards and procedures:

26 a. for the establishment and meetings of other committees;

27 and

28 b. governing any general or specific delegation of any  
29 authority or function of the Commission;

30 3. Providing reasonable procedures for calling and conducting  
31 meetings of the Commission, ensuring reasonable advance notice of all  
32 meetings, and providing an opportunity for attendance of such meetings by  
33 interested parties, with enumerated exceptions designed to protect the  
34 public's interest, the privacy of individuals, and proprietary information,  
35 including trade secrets. The Commission may meet in closed session only after  
36 a majority of the membership votes to close a meeting in whole or in part. As



1 soon as practicable, the Commission must make public a copy of the vote to  
2 close the meeting revealing the vote of each member with no proxy votes  
3 allowed;

4 4. Establishing the titles, duties and authority, and reasonable  
5 procedures for the election of the officers of the Commission;

6 5. Providing reasonable standards and procedures for the  
7 establishment of the personnel policies and programs of the Commission.  
8 Notwithstanding any civil service or other similar laws of any member state,  
9 the bylaws shall exclusively govern the personnel policies and programs of  
10 the Commission;

11 6. Promulgating a code of ethics to address permissible and  
12 prohibited activities of Commission members and employees;

13 7. Providing a mechanism for winding up the operations of the  
14 Commission and the equitable disposition of any surplus funds that may exist  
15 after the termination of the Compact after the payment and/or reserving of  
16 all of its debts and obligations;

17 8. The Commission shall publish its bylaws and file a copy  
18 thereof, and a copy of any amendment thereto, with the appropriate agency or  
19 officer in each of the member states, if any.

20 9. The Commission shall maintain its financial records in  
21 accordance with the bylaws.

22 10. The Commission shall meet and take such actions as are  
23 consistent with the provisions of this Compact and the bylaws.

24 D. The Commission shall have the following powers:

25 1. The authority to promulgate uniform rules to facilitate and  
26 coordinate implementation and administration of this Compact. The rules shall  
27 have the force and effect of law and shall be binding in all member states;

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

32 3. To purchase and maintain insurance and bonds;

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

35 5. To hire employees, elect or appoint officers, fix  
36 compensation, define duties, grant such individuals appropriate authority to

1 carry out the purposes of the compact, and to establish the Commission's  
2 personnel policies and programs relating to conflicts of interest,  
3 qualifications of personnel, and other related personnel matters;

4 6. To accept any and all appropriate donations and grants of  
5 money, equipment, supplies, materials and services, and to receive, utilize  
6 and dispose of the same; provided that at all times the Commission shall  
7 strive to avoid any appearance of impropriety and/or conflict of interest;

8 7. To lease, purchase, accept appropriate gifts or donations of,  
9 or otherwise to own, hold, improve or use, any property, real, personal or  
10 mixed; provided that at all times the Commission shall strive to avoid any  
11 appearance of impropriety;

12 8. To sell, convey, mortgage, pledge, lease, exchange, abandon,  
13 or otherwise dispose of any property real, personal, or mixed;

14 9. To establish a budget and make expenditures;

15 10. To borrow money;

16 11. To appoint committees, including advisory committees  
17 comprised of members, state regulators, state legislators or their  
18 representatives, and consumer representatives, and such other interested  
19 persons as may be designated in this compact and the bylaws;

20 12. To provide and receive information from, and to cooperate  
21 with, law enforcement agencies;

22 13. To adopt and use an official seal; and

23 14. To perform such other functions as may be necessary or  
24 appropriate to achieve the purposes of this Compact consistent with the state  
25 regulation of EMS personnel licensure and practice.

26 E. Financing of the Commission

27 1. The Commission shall pay, or provide for the payment of, the  
28 reasonable expenses of its establishment, organization, and ongoing  
29 activities.

30 2. The Commission may accept any and all appropriate revenue  
31 sources, donations, and grants of money, equipment, supplies, materials, and  
32 services.

33 3. The Commission may levy on and collect an annual assessment  
34 from each member state or impose fees on other parties to cover the cost of  
35 the operations and activities of the Commission and its staff, which must be  
36 in a total amount sufficient to cover its annual budget as approved each year



1 for which revenue is not provided by other sources. The aggregate annual  
2 assessment amount shall be allocated based upon a formula to be determined by  
3 the Commission, which shall promulgate a rule binding upon all member states.

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

8 5. The Commission shall keep accurate accounts of all receipts  
9 and disbursements. The receipts and disbursements of the Commission shall be  
10 subject to the audit and accounting procedures established under its bylaws.  
11 However, all receipts and disbursements of funds handled by the Commission  
12 shall be audited yearly by a certified or licensed public accountant, and the  
13 report of the audit shall be included in and become part of the annual report  
14 of the Commission.

15 F. Qualified Immunity, Defense, and Indemnification

16 1. The members, officers, executive director, employees and  
17 representatives of the Commission shall be immune from suit and liability,  
18 either personally or in their official capacity, for any claim for damage to  
19 or loss of property or personal injury or other civil liability caused by or  
20 arising out of any actual or alleged act, error or omission that occurred, or  
21 that the person against whom the claim is made had a reasonable basis for  
22 believing occurred within the scope of Commission employment, duties or  
23 responsibilities; provided that nothing in this paragraph shall be construed  
24 to protect any such person from suit and/or liability for any damage, loss,  
25 injury, or liability caused by the intentional or willful or wanton  
26 misconduct of that person.

27 2. The Commission shall defend any member, officer, executive  
28 director, employee or representative of the Commission in any civil action  
29 seeking to impose liability arising out of any actual or alleged act, error,  
30 or omission that occurred within the scope of Commission employment, duties,  
31 or responsibilities, or that the person against whom the claim is made had a  
32 reasonable basis for believing occurred within the scope of Commission  
33 employment, duties, or responsibilities; provided that nothing herein shall  
34 be construed to prohibit that person from retaining his or her own counsel;  
35 and provided further, that the actual or alleged act, error, or omission did  
36 not result from that person's intentional or willful or wanton misconduct.

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

10  
11           Section 11. COORDINATED DATABASE

12           A. The Commission shall provide for the development and maintenance of  
13 a coordinated database and reporting system containing licensure, adverse  
14 action, and significant investigatory information on all licensed individuals  
15 in member states.

16           B. Notwithstanding any other provision of state law to the contrary, a  
17 member state shall submit a uniform data set to the coordinated database on  
18 all individuals to whom this compact is applicable as required by the rules  
19 of the Commission, including:

- 20                   1. Identifying information;
- 21                   2. Licensure data;
- 22                   3. Significant investigatory information;
- 23                   4. Adverse actions against an individual's license;
- 24                   5. An indicator that an individual's privilege to practice is  
25 restricted, suspended or revoked;
- 26                   6. Non-confidential information related to alternative program  
27 participation;
- 28                   7. Any denial of application for licensure, and the reason(s)  
29 for such denial; and
- 30                   8. Other information that may facilitate the administration of  
31 this Compact, as determined by the rules of the Commission.

32           C. The coordinated database administrator shall promptly notify all  
33 member states of any adverse action taken against, or significant  
34 investigative information on, any individual in a member state.

35           D. Member states contributing information to the coordinated database  
36 may designate information that may not be shared with the public without the



1 express permission of the contributing state.

2 E. Any information submitted to the coordinated database that is  
3 subsequently required to be expunged by the laws of the member state  
4 contributing the information shall be removed from the coordinated database.

5  
6 Section 12. RULEMAKING

7 A. The Commission shall exercise its rulemaking powers pursuant to the  
8 criteria set forth in this Section and the rules adopted thereunder. Rules  
9 and amendments shall become binding as of the date specified in each rule or  
10 amendment.

11 B. If a majority of the legislatures of the member states rejects a  
12 rule, by enactment of a statute or resolution in the same manner used to  
13 adopt the Compact, then such rule shall have no further force and effect in  
14 any member state.

15 C. Rules or amendments to the rules shall be adopted at a regular or  
16 special meeting of the Commission.

17 D. Prior to promulgation and adoption of a final rule or rules by the  
18 Commission, and at least sixty (60) days in advance of the meeting at which  
19 the rule will be considered and voted upon, the Commission shall file a  
20 Notice of Proposed Rulemaking:

21 1. On the website of the Commission; and

22 2. On the website of each member state EMS authority or the  
23 publication in which each state would otherwise publish proposed rules.

24 E. The Notice of Proposed Rulemaking shall include:

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

27 2. The text of the proposed rule or amendment and the reason for  
28 the proposed rule;

29 3. A request for comments on the proposed rule from any  
30 interested person; and

31 4. The manner in which interested persons may submit notice to  
32 the Commission of their intention to attend the public hearing and any  
33 written comments.

34 F. Prior to adoption of a proposed rule, the Commission shall allow  
35 persons to submit written data, facts, opinions, and arguments, which shall  
36 be made available to the public.

1           G. The Commission shall grant an opportunity for a public hearing  
2 before it adopts a rule or amendment if a hearing is requested by:

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

6           H. If a hearing is held on the proposed rule or amendment, the  
7 Commission shall publish the place, time, and date of the scheduled public  
8 hearing;

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

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

16                   3. No transcript of the hearing is required, unless a written  
17 request for a transcript is made, in which case the person requesting the  
18 transcript shall bear the cost of producing the transcript. A recording may  
19 be made in lieu of a transcript under the same terms and conditions as a  
20 transcript. This subsection shall not preclude the Commission from making a  
21 transcript or recording of the hearing if it so chooses.

22                   4. Nothing in this section shall be construed as requiring a  
23 separate hearing on each rule. Rules may be grouped for the convenience of  
24 the Commission at hearings required by this section.

25           I. Following the scheduled hearing date, or by the close of business  
26 on the scheduled hearing date if the hearing was not held, the Commission  
27 shall consider all written and oral comments received.

28           J. The Commission shall, by majority vote of all members, take final  
29 action on the proposed rule and shall determine the effective date of the  
30 rule, if any, based on the rulemaking record and the full text of the rule.

31           K. If no written notice of intent to attend the public hearing by  
32 interested parties is received, the Commission may proceed with promulgation  
33 of the proposed rule without a public hearing.

34           L. Upon determination that an emergency exists, the Commission may  
35 consider and adopt an emergency rule without prior notice, opportunity for  
36 comment, or hearing, provided that the usual rulemaking procedures provided



1 in the Compact and in this section shall be retroactively applied to the rule  
2 as soon as reasonably possible, in no event later than ninety (90) days after  
3 the effective date of the rule. For the purposes of this provision, an  
4 emergency rule is one that must be adopted immediately in order to:

- 5 1. Meet an imminent threat to public health, safety, or welfare;
- 6 2. Prevent a loss of Commission or member state funds;
- 7 3. Meet a deadline for the promulgation of an administrative  
8 rule that is established by federal law or rule; or
- 9 4. Protect public health and safety.

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

### 22

23 Section 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

#### 24 A. Oversight

25 1. The executive, legislative, and judicial branches of state  
26 government in each member state shall enforce this compact and take all  
27 actions necessary and appropriate to effectuate the compact's purposes and  
28 intent. The provisions of this compact and the rules promulgated hereunder  
29 shall have standing as statutory law.

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

34 3. The Commission shall be entitled to receive service of  
35 process in any such proceeding, and shall have standing to intervene in such  
36 a proceeding for all purposes. Failure to provide service of process to the

1 Commission shall render a judgment or order void as to the Commission, this  
2 Compact, or promulgated rules.

3 B. Default, Technical Assistance, and Termination

4 1. If the Commission determines that a member state has  
5 defaulted in the performance of its obligations or responsibilities under  
6 this compact or the promulgated rules, the Commission shall:

7 a. Provide written notice to the defaulting state and  
8 other member states of the nature of the default, the proposed means of  
9 curing the default and/or any other action to be taken by the Commission; and

10 b. Provide remedial training and specific technical  
11 assistance regarding the default.

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

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

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

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

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

36 C. Dispute Resolution



1           1. Upon request by a member state, the Commission shall attempt  
2 to resolve disputes related to the compact that arise among member states and  
3 between member and non-member states.

4           2. The Commission shall promulgate a rule providing for both  
5 mediation and binding dispute resolution for disputes as appropriate.

6           D. Enforcement

7           1. The Commission, in the reasonable exercise of its discretion,  
8 shall enforce the provisions and rules of this compact.

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

17           3. The remedies herein shall not be the exclusive remedies of  
18 the Commission. The Commission may pursue any other remedies available under  
19 federal or state law.

20  
21           Section 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS  
22 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

23           A. The compact shall come into effect on the date on which the compact  
24 statute is enacted into law in the tenth member state. The provisions, which  
25 become effective at that time, shall be limited to the powers granted to the  
26 Commission relating to assembly and the promulgation of rules. Thereafter,  
27 the Commission shall meet and exercise rulemaking powers necessary to the  
28 implementation and administration of the compact.

29           B. Any state that joins the compact subsequent to the Commission's  
30 initial adoption of the rules shall be subject to the rules as they exist on  
31 the date on which the compact becomes law in that state. Any rule that has  
32 been previously adopted by the Commission shall have the full force and  
33 effect of law on the day the compact becomes law in that state.

34           C. Any member state may withdraw from this compact by enacting a  
35 statute repealing the same.

36           1. A member state's withdrawal shall not take effect until six

1 (6) months after enactment of the repealing statute.

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

6 D. Nothing contained in this compact shall be construed to invalidate  
7 or prevent any EMS personnel licensure agreement or other cooperative  
8 arrangement between a member state and a non-member state that does not  
9 conflict with the provisions of this compact.

10 E. This Compact may be amended by the member states. No amendment to  
11 this Compact shall become effective and binding upon any member state until  
12 it is enacted into the laws of all member states.

13  
14 Section 15. CONSTRUCTION AND SEVERABILITY

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

20  
21 /s/Baltz

22  
23  
24 Referred by the Arkansas House of Representatives  
25 Prepared by: VJF