

1 AN ACT relating to the Recognition of EMS Personnel Licensure Interstate
2 Compact.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311A IS CREATED TO
5 READ AS FOLLOWS:

6 **SECTION 1. PURPOSE**

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

19 *(1) Increase public access to EMS personnel;*

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

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

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

26 *(5) Facilitate the exchange of information between member states regarding EMS*
27 *personnel licensure, adverse action, and significant investigatory information;*

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

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

5 SECTION 2. DEFINITIONS

6 In this compact:

7 (1) "Advanced emergency medical technician (AEMT)" means an individual
8 licensed with cognitive knowledge and a scope of practice that corresponds to that
9 level in the National EMS Education Standards and National EMS Scope of
10 Practice Model;

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

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

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

24 (5) "Commission" means the Interstate Commission for EMS Personnel Practice;

25 (6) "Emergency medical technician (EMT)" means an individual licensed with
26 cognitive knowledge and a scope of practice that corresponds to that level in the
27 National EMS Education Standards and National EMS Scope of Practice Model;

- 1 (7) "Home state" means a member state where an individual is licensed to practice
2 emergency medical services;
- 3 (8) "License" means the authorization by a state for an individual to practice as an
4 EMT, AEMT, paramedic, or a level in between EMT and paramedic;
- 5 (9) "Medical director" means a physician licensed in a member state who is
6 accountable for the care delivered by EMS personnel;
- 7 (10) "Member state" means a state that has enacted this compact;
- 8 (11) "Privilege to practice" means an individual's authority to deliver emergency
9 medical services in remote states as authorized under this compact;
- 10 (12) "Paramedic" means an individual licensed with cognitive knowledge and a scope
11 of practice that corresponds to that level in the National EMS Education
12 Standards and National EMS Scope of Practice Model;
- 13 (13) "Remote state" means a member state in which an individual is not licensed;
- 14 (14) "Restricted" means the outcome of an adverse action that limits a license or the
15 privilege to practice;
- 16 (15) "Rule" means a written statement by the commission promulgated pursuant to
17 Section 12 of this compact that is of general applicability; implements, interprets,
18 or prescribes a policy or provision of the compact; or is an organizational,
19 procedural, or practice requirement of the commission and has the force and
20 effect of statutory law in a member state and includes the amendment, repeal, or
21 suspension of an existing rule;
- 22 (16) "Scope of practice" means defined parameters of various duties or services that
23 may be provided by an individual with specific credentials. Whether regulated by
24 rule, statute, or court decision, it represents the limits of services an individual
25 may perform;
- 26 (17) "Significant investigatory information" means:
27 (a) Investigative information that a state EMS authority, after a preliminary

1 inquiry that includes notification and an opportunity to respond if required
2 by state law, has reason to believe, if proved true, would result in the
3 imposition of an adverse action on a license or privilege to practice; or
4 (b) Investigative information that indicates that the individual represents an
5 immediate threat to public health and safety regardless of whether the
6 individual has been notified and had an opportunity to respond;

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

9 (19) "State EMS authority" means the board, office, or other agency with the
10 legislative mandate to license EMS personnel.

11 SECTION 3. HOME STATE LICENSURE

12 (1) Any member state in which an individual holds a current license shall be deemed
13 a home state for purposes of this compact.

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

17 (3) A home state's license authorizes an individual to practice in a remote state under
18 the privilege to practice only if the home state:

19 (a) Currently requires the use of the National Registry of Emergency Medical
20 Technicians (NREMT) examination as a condition of issuing initial licenses
21 at the EMT and paramedic levels;

22 (b) Has a mechanism in place for receiving and investigating complaints about
23 individuals;

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

27 (d) No later than five (5) years after activation of the compact, requires a

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

7 (e) Complies with the rules of the commission.

8 **SECTION 4. COMPACT PRIVILEGE TO PRACTICE**

9 (1) Member states shall recognize the privilege to practice of an individual licensed
10 in another member state that is in conformance with Section 3 of this compact.

11 (2) To exercise the privilege to practice under the terms and provisions of this
12 compact, an individual shall:

13 (a) Be at least eighteen (18) years of age;

14 (b) Possess a:

15 1. Current, unrestricted license in a member state as an EMT, AEMT, or
16 paramedic; or

17 2. State recognized and licensed level with a scope of practice and
18 authority between EMT and paramedic; and

19 (c) Practice under the supervision of a medical director.

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

24 (4) Except as provided in subsection (3) of this section, an individual practicing in a
25 remote state shall be subject to the remote state's authority and laws. A remote
26 state may, in accordance with due process and that state's laws, restrict, suspend,
27 or revoke an individual's privilege to practice in the remote state and may take

1 any other necessary actions to protect the health and safety of its citizens. If a
2 remote state takes action, it shall promptly notify the home state and the
3 commission.

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

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

10 SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

11 An individual may practice in a remote state under a privilege to practice only in the
12 performance of the individual's EMS duties as assigned by an appropriate authority, as
13 defined in the rules of the commission, and under the following circumstances:

14 (1) The individual originates a patient transport in a home state and transports the
15 patient to a remote state;

16 (2) The individual originates in the home state and enters a remote state to pick up a
17 patient and provide care and transport of the patient to the home state;

18 (3) The individual enters a remote state to provide patient care and transport within
19 that remote state;

20 (4) The individual enters a remote state to pick up a patient and provide care and
21 transport to a third member state; or

22 (5) Other conditions as determined by rules promulgated by the commission.

23 SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE 24 COMPACT

25 Upon a member state's Governor's declaration of a state of emergency or disaster that
26 activates the Emergency Management Assistance Compact (EMAC), all relevant terms
27 and provisions of EMAC shall apply. To the extent any terms or provisions of this

1 compact conflict with EMAC, the terms of EMAC shall prevail with respect to any
2 individual practicing in the remote state in response to such declaration.

3 SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE
4 DUTY MILITARY, AND THEIR SPOUSES

5 (1) Member states shall consider a veteran, active military service member, and
6 member of the National Guard and Reserves separating from an active duty tour,
7 and a spouse thereof, who holds a current valid and unrestricted NREMT
8 certification at or above the level of the state license being sought as satisfying the
9 minimum training and examination requirements for licensure.

10 (2) Member states shall expedite the processing of licensure applications submitted
11 by veterans, active military service members, and members of the National Guard
12 and Reserves separating from an active duty tour, and their spouses.

13 (3) All individuals functioning with a privilege to practice under this section remain
14 subject to the adverse actions provisions of Section 8 of this compact.

15 SECTION 8. ADVERSE ACTIONS

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

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

21 (3) All home state adverse action orders shall include a statement that the
22 individual's compact privileges are inactive. The order may allow the individual
23 to practice in remote states with prior written authorization from both the home
24 state and remote state's EMS authority.

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

1 (5) A member state shall report adverse actions and any occurrences that the
2 individual's compact privileges are restricted, suspended, or revoked to the
3 commission in accordance with the rules of the commission.

4 (6) A remote state may take adverse action on an individual's privilege to practice
5 within that state.

6 (7) Any member state may take adverse action against an individual's privilege to
7 practice in that state based on the factual findings of another member state, so
8 long as each state follows its own procedures for imposing such adverse action.

9 (8) A home state's EMS authority shall investigate and take appropriate action with
10 respect to reported conduct in a remote state as it would if such conduct had
11 occurred within the home state. In such cases, the home state's law shall control
12 in determining the appropriate adverse action.

13 (9) Nothing in this compact shall override a member state's decision that
14 participation in an alternative program may be used in lieu of adverse action and
15 that such participation shall remain non-public if required by the member state's
16 laws. Member states shall require individuals who enter any alternative programs
17 to agree not to practice in any other member state during the term of the
18 alternative program without prior authorization from the other member state.

19 SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS
20 AUTHORITY

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

23 (1) Issue subpoenas for both hearings and investigations that require the
24 attendance and testimony of witnesses and the production of evidence.
25 Subpoenas issued by a member state's EMS authority for the attendance
26 and testimony of witnesses, and the production of evidence from another
27 member state, shall be enforced in the remote state by any court of

1 competent jurisdiction, according to that court's practice and procedure in
2 considering subpoenas issued in its own proceedings. The issuing state's
3 EMS authority shall pay any witness fees, travel expenses, mileage, and
4 other fees required by the service statutes of the state where the witnesses
5 and evidence are located; and

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

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

10 (1) (a) The compact states hereby create and establish a joint public agency known
11 as the Interstate Commission for EMS Personnel Practice.

12 (b) The Commission is a body politic and an instrumentality of the compact
13 states.

14 (c) Venue is proper and judicial proceedings by or against the Commission
15 shall be brought solely and exclusively in a court of competent jurisdiction
16 where the principal office of the commission is located. The commission
17 may waive venue and jurisdictional defenses to the extent it adopts or
18 consents to participate in alternative dispute resolution proceedings.

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

21 (2) Membership, Voting, and Meetings.

22 (a) Each member state shall have and be limited to one (1) delegate. The
23 responsible official of the state EMS authority or his or her designee shall
24 be the delegate to this compact for each member state. Any delegate may be
25 removed or suspended from office as provided by the law of the state from
26 which the delegate is appointed. Any vacancy occurring in the commission
27 shall be filled in accordance with the laws of the member state in which the

1 vacancy exists. In the event that more than one (1) board, office, or other
2 agency with the legislative mandate to license EMS personnel at and above
3 the level of EMT exists, the Governor of the state will determine which
4 entity will be responsible for assigning the delegate.

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

11 (c) The commission shall meet at least once during each calendar year.
12 Additional meetings shall be held as set forth in the bylaws.

13 (d) All meetings shall be open to the public, and public notice of meetings shall
14 be given in the same manner as required under the rulemaking provisions
15 in Section 12 of this compact.

16 (e) The commission may convene in a closed, non-public meeting if the
17 commission must discuss:

18 1. Noncompliance of a member state with its obligations under the
19 compact;

20 2. The employment, compensation, discipline or other personnel matters,
21 practices, or procedures related to specific employees or other matters
22 related to the commission's internal personnel practices and
23 procedures;

24 3. Current, threatened, or reasonably anticipated litigation;

25 4. Negotiation of contracts for the purchase or sale of goods, services, or
26 real estate;

27 5. Accusing any person of a crime or formally censuring any person;

- 1 6. Disclosure of trade secrets or commercial or financial information
2 that is privileged or confidential;
3 7. Disclosure of information of a personal nature where disclosure
4 would constitute a clearly unwarranted invasion of personal privacy;
5 8. Disclosure of investigatory records compiled for law enforcement
6 purposes;
7 9. Disclosure of information related to any investigatory reports prepared
8 by or on behalf of or for use of the commission or other committee
9 charged with responsibility of investigation or determination of
10 compliance issues pursuant to the compact; or
11 10. Matters specifically exempted from disclosure by federal or member
12 state statute.
13 (f) If a meeting, or portion of a meeting, is closed pursuant to this provision,
14 the commission's legal counsel or designee shall certify that the meeting
15 may be closed and shall reference each relevant exempting provision. The
16 commission shall keep minutes that fully and clearly describe all matters
17 discussed in a meeting and shall provide a full and accurate summary of
18 actions taken, and the reasons therefore, including a description of the
19 views expressed. All documents considered in connection with an action
20 shall be identified in such minutes. All minutes and documents of a closed
21 meeting shall remain under seal, subject to release by a majority vote of the
22 commission or order of a court of competent jurisdiction.
23 (3) (a) The commission shall, by a majority vote of the delegates, prescribe bylaws
24 and rules to govern its conduct as may be necessary or appropriate to carry
25 out the purposes and exercise the powers of the compact, including but not
26 limited to:
27 1. Establishing the fiscal year of the commission;

1 2. Providing reasonable standards and procedures:

2 a. For the establishment and meetings of other committees; and

3 b. Governing any general or specific delegation of any authority or
4 function of the commission;

5 3. Providing reasonable procedures for calling and conducting meetings
6 of the commission, ensuring reasonable advance notice of all
7 meetings, and providing an opportunity for attendance of such
8 meetings by interested parties, with enumerated exceptions designed to
9 protect the public's interest, the privacy of individuals, and proprietary
10 information, including trade secrets. The commission may meet in
11 closed session only after a majority of the membership votes to close a
12 meeting in whole or in part. As soon as practicable, the commission
13 shall make public a copy of the vote to close the meeting revealing the
14 vote of each member with no proxy votes allowed;

15 4. Establishing the titles, duties and authority, and reasonable
16 procedures for the election of the officers of the commission;

17 5. Providing reasonable standards and procedures for the establishment
18 of the personnel policies and programs of the commission.
19 Notwithstanding any civil service or other similar laws of any member
20 state, the bylaws shall exclusively govern the personnel policies and
21 programs of the commission;

22 6. Promulgating a code of ethics to address permissible and prohibited
23 activities of commission members and employees; and

24 7. Providing a mechanism for winding up the operations of the
25 commission and the equitable disposition of any surplus funds that
26 may exist after the termination of the compact after the payment and
27 reserving of all of its debts and obligations.

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

4 **(c) The commission shall maintain its financial records in accordance with the**
5 **bylaws.**

6 **(d) The commission shall meet and take such actions as are consistent with the**
7 **provisions of this compact and the bylaws.**

8 **(4) The commission shall have the following powers:**

9 **(a) The authority to promulgate uniform rules to facilitate and coordinate**
10 **implementation and administration of this compact. The rules shall have**
11 **the force and effect of law and shall be binding in all member states;**

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

16 **(c) To purchase and maintain insurance and bonds;**

17 **(d) To borrow, accept, or contract for services of personnel, including but not**
18 **limited to employees of a member state;**

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

24 **(f) To accept any and all appropriate donations and grants of money,**
25 **equipment, supplies, materials and services, and to receive, utilize and**
26 **dispose of the same, provided that at all times the commission shall strive to**
27 **avoid any appearance of impropriety or conflict of interest;**

1 (g) To lease, purchase, accept appropriate gifts or donations of, or otherwise to
2 own, hold, improve or use, any real, personal, or mixed property; provided
3 that at all times the commission shall strive to avoid any appearance of
4 impropriety;

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

7 (i) To establish a budget and make expenditures;

8 (j) To borrow money;

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

13 (l) To provide and receive information from and cooperate with law
14 enforcement agencies;

15 (m) To adopt and use an official seal; and

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

19 (5) Financing of the Commission.

20 (a) The commission shall pay, or provide for the payment of, the reasonable
21 expenses of its establishment, organization, and ongoing activities.

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

25 (c) The commission may levy on and collect an annual assessment from each
26 member state or impose fees on other parties to cover the cost of the
27 operations and activities of the commission and its staff, which must be in a

1 total amount sufficient to cover its annual budget as approved each year for
2 which revenue is not provided by other sources. The aggregate annual
3 assessment amount shall be allocated based upon a formula to be
4 determined by the commission, which shall promulgate a rule binding upon
5 all member states.

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

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

17 (6) Qualified Immunity, Defense, and Indemnification.

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

1 **(b) The commission shall defend any member, officer, executive director,**
2 **employee, or representative of the commission in any civil action seeking to**
3 **impose liability arising out of any actual or alleged act, error, or omission**
4 **that occurred within the scope of commission employment, duties, or**
5 **responsibilities, or that the person against whom the claim is made had a**
6 **reasonable basis for believing occurred within the scope of commission**
7 **employment, duties, or responsibilities, provided that:**

8 **1. Nothing herein shall be construed to prohibit that person from**
9 **retaining his or her own counsel; and**

10 **2. The actual or alleged act, error, or omission did not result from that**
11 **person's intentional or willful or wanton misconduct.**

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

21 **SECTION 11. COORDINATED DATABASE**

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

26 **(2) Notwithstanding any other provision of state law to the contrary, a member state**
27 **shall submit a uniform data set to the coordinated database on all individuals to**

1 whom this compact is applicable as required by the rules of the commission,
2 including:

3 (a) Identifying information;

4 (b) Licensure data;

5 (c) Significant investigatory information;

6 (d) Adverse actions against an individual's license;

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

9 (f) Nonconfidential information related to alternative program participation;

10 (g) Any denial of application for licensure, and the reasons for such denial;
11 and

12 (h) Other information that may facilitate the administration of this compact, as
13 determined by the rules of the commission.

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

17 (4) Member states contributing information to the coordinated database may
18 designate information that may not be shared with the public without the express
19 permission of the contributing state.

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

23 **SECTION 12. RULEMAKING**

24 (1) The commission shall exercise its rulemaking powers pursuant to the criteria set
25 forth in this section and the rules it adopts. Rules and amendments shall become
26 binding as of the date specified in each rule or amendment.

27 (2) If a majority of the legislatures of the member states rejects a rule, by enactment

1 of a statute or resolution in the same manner used to adopt the compact, then the
2 rule shall have no further force and effect in any member state.

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

5 (4) Prior to promulgation and adoption of a final rule or rules by the commission,
6 and at least sixty (60) days in advance of the meeting at which the rule will be
7 considered and voted upon, the commission shall file a notice of proposed
8 rulemaking on the website of the commission and on the website of each member
9 state EMS authority or the publication in which each state would otherwise
10 publish proposed rules.

11 (5) The notice of proposed rulemaking shall include:

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

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

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

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

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

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

26 (a) At least twenty-five (25) persons;

27 (b) A governmental subdivision or agency; or

- 1 (c) An association having at least twenty-five (25) members.
- 2 (8) (a) If a hearing is held on the proposed rule or amendment, the commission
3 shall publish the place, time, and date of the scheduled public hearing.
- 4 (b) All persons wishing to be heard at the hearing shall notify the executive
5 director of the commission or other designated member in writing of their
6 desire to appear and testify at the hearing not less than five (5) business
7 days before the scheduled date of the hearing.
- 8 (c) Hearings shall be conducted in a manner providing each person who wishes
9 to comment a fair and reasonable opportunity to comment orally or in
10 writing.
- 11 (d) No transcript of the hearing is required unless a written request for a
12 transcript is made, in which case the person requesting the transcript shall
13 bear the cost of producing the transcript. A recording may be made in lieu
14 of a transcript under the same terms and conditions as a transcript. This
15 paragraph shall not preclude the commission from making a transcript or
16 recording of the hearing if it so chooses.
- 17 (9) Nothing in this section shall be construed as requiring a separate hearing on
18 each rule. Rules may be grouped for the convenience of the commission at
19 hearings required by this section.
- 20 (10) Following the scheduled hearing date, or by the close of business on the
21 scheduled hearing date if the hearing was not held, the commission shall
22 consider all written and oral comments received.
- 23 (11) The commission shall, by majority vote of all members, take final action on the
24 proposed rule and shall determine the effective date of the rule, if any, based on
25 the rulemaking record and the full text of the rule.
- 26 (12) If no written notice of intent to attend the public hearing by interested parties is
27 received, the commission may proceed with promulgation of the proposed rule

1 without a public hearing.

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

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

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

11 (c) Meet a deadline for the promulgation of an administrative rule that is
12 established by federal law or rule; or

13 (d) Protect public health and safety.

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

25 SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

26 (1) Oversight.

27 (a) The executive, legislative, and judicial branches of state government in each

1 member state shall enforce this compact and take all actions necessary and
2 appropriate to effectuate the compact's purposes and intent. The provisions
3 of this compact and the rules promulgated hereunder shall have standing as
4 statutory law.

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

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

14 (2) Default, Technical Assistance, and Termination.

15 (a) If the commission determines that a member state has defaulted in the
16 performance of its obligations or responsibilities under this compact or the
17 promulgated rules, the commission shall:

- 18 1. Provide written notice to the defaulting state and other member states
19 of the nature of the default, the proposed means of curing the default,
20 or any other action to be taken by the commission; and
21 2. Provide remedial training and specific technical assistance regarding
22 the default.

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

1 incurred during the period of default.

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

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

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

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

19 (3) Dispute Resolution.

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

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

25 (4) Enforcement.

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

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

9 **(c) The remedies herein shall not be the exclusive remedies of the commission.**
10 **The commission may pursue any other remedies available under federal or**
11 **state law.**

12 **SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE**
13 **COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES,**
14 **WITHDRAWAL, AND AMENDMENT**

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

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

26 **(3) (a) Any member state may withdraw from this compact by enacting a statute**
27 **repealing the same.**

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

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

7 **(4) Nothing contained in this compact shall be construed to invalidate or prevent any**
8 **EMS personnel licensure agreement or other cooperative arrangement between a**
9 **member state and a nonmember state that does not conflict with the provisions of**
10 **this compact.**

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

14 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

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

20 **SECTION 16. APPLICABILITY TO KENTUCKY STATE GOVERNMENT**

21 **In order to clarify the effect of certain provisions of this compact and to ensure that the**
22 **rights and responsibilities of the various branches of government are maintained, the**
23 **following shall be in effect in this state:**

24 **(1) By entering into this compact, this state authorizes the state EMS authority as**
25 **defined in Section 2 of this compact and as created by KRS Chapter 311A to**
26 **implement the provisions of this compact.**

27 **(2) Notwithstanding any provision of this compact to the contrary:**

- 1 (a) When a rule is adopted pursuant to Section 12 of this compact, the state
2 EMS authority as defined by Section 2 of this compact shall have sixty (60)
3 days to review the rule for the purpose of filing the rule as an emergency
4 administrative regulation pursuant to KRS 13A.190 and for filing the rule
5 as an accompanying ordinary administrative regulation, following the
6 requirements of KRS Chapter 13A. Failure by the state EMS authority as
7 defined by Section 2 of this compact to promulgate a rule adopted by the
8 Interstate Commission for EMS Personnel Practice as an administrative
9 regulation pursuant to KRS Chapter 13A shall result in the initiation of the
10 process for withdrawal as set forth in Section 14 of this compact. Nothing in
11 these provisions shall negate the applicability and effect of Section 12 of
12 this compact to this state;
- 13 (b) If the proposed administrative regulation is found deficient and the
14 deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the
15 provisions of Section 13 of this compact shall apply. If the procedures under
16 Section 13 of this compact fail to resolve an issue, the provisions of Section
17 14 of this compact shall apply; and
- 18 (c) If the Interstate Commission for EMS Personnel Practice created by
19 Section 10 of this compact exercises its rulemaking authority in a manner
20 that is beyond the scope of the purposes of this compact, or the powers
21 granted under this compact, then such an action by the commission shall be
22 invalid and have no force or effect.
- 23 (3) Section 10 of this compact pertaining to the financing of the commission shall
24 not be interpreted to obligate the general fund of this state. Any funds used to
25 finance this compact shall be from money collected pursuant to KRS 311A.145.
- 26 (4) This compact shall apply only to those emergency service personnel who practice
27 or work under a compact privilege.