

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 207

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 9, TITLE 46, IDAHO CODE, TO PROVIDE FOR THE RECOGNITION OF THE EMS PERSONNEL LICENSURE INTERSTATE COMPACT (REPLICA); REPEALING SECTION 56-1013B, IDAHO CODE, RELATING TO THE RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT; REPEALING SECTION 56-1013C, IDAHO CODE, RELATING TO PURPOSE OF THE COMPACT; REPEALING SECTION 56-1013D, IDAHO CODE, RELATING TO DEFINITIONS; REPEALING SECTION 56-1013E, IDAHO CODE, RELATING TO HOME STATE LICENSURE; REPEALING SECTION 56-1013F, IDAHO CODE, RELATING TO COMPACT PRIVILEGE TO PRACTICE; REPEALING SECTION 56-1013G, IDAHO CODE, RELATING TO CONDITIONS OF PRACTICE IN A REMOTE STATE; REPEALING SECTION 56-1013H, IDAHO CODE, RELATING TO RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT; REPEALING SECTION 56-1013I, IDAHO CODE, RELATING TO VETERANS AND SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY AND THEIR SPOUSES; REPEALING SECTION 56-1013J, IDAHO CODE, RELATING TO ADVERSE ACTIONS; REPEALING SECTION 56-1013K, IDAHO CODE, RELATING TO ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY; REPEALING SECTION 56-1013L, IDAHO CODE, RELATING TO ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE; REPEALING SECTION 56-1013M, IDAHO CODE, RELATING TO A COORDINATED DATABASE; REPEALING SECTION 56-1013N, IDAHO CODE, RELATING TO RULEMAKING; REPEALING SECTION 56-1013O, IDAHO CODE, RELATING TO OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT; REPEALING SECTION 56-1013P, IDAHO CODE, RELATING TO DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT; REPEALING SECTION 56-1013Q, IDAHO CODE, RELATING TO CONSTRUCTION AND SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 9, Title 46, Idaho Code, and to read as follows:

CHAPTER 9
EMERGENCY MEDICAL SERVICES ACT

46-906. RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT (REPLICA). The recognition of EMS personnel licensure interstate compact (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining therein, in the form substantially as follows:

SECTION I
PURPOSE

1 In order to protect the public through verification of competency and
2 ensure accountability for patient care-related activities, all states li-
3 cense emergency medical services (EMS) personnel, such as emergency medi-
4 cal technicians (EMTs), advanced EMTs and paramedics. This compact is in-
5 tended to facilitate the day-to-day movement of EMS personnel across state
6 boundaries in the performance of their EMS duties as assigned by an appro-
7 priate authority and authorize state EMS offices to afford immediate legal
8 recognition to EMS personnel licensed in a member state. This compact rec-
9 ognizes that states have a vested interest in protecting the public's health
10 and safety through their licensing and regulation of EMS personnel and that
11 such state regulation shared among the member states will best protect pub-
12 lic health and safety. This compact is designed to achieve the following
13 purposes and objectives:

- 14 (1) Increase public access to EMS personnel;
- 15 (2) Enhance the states' ability to protect the public's health and
16 safety, especially patient safety;
- 17 (3) Encourage the cooperation of member states in the areas of EMS per-
18 sonnel licensure and regulation;
- 19 (4) Support licensing of military members who are separating from an
20 active duty tour and their spouses;
- 21 (5) Facilitate the exchange of information between member states re-
22 garding EMS personnel licensure, adverse action and significant investiga-
23 tory information;
- 24 (6) Promote compliance with the laws governing EMS personnel practice
25 in each member state; and
- 26 (7) Invest all member states with the authority to hold EMS personnel
27 accountable through the mutual recognition of member state licenses.

28 SECTION II 29 DEFINITIONS

30 As used in this compact:

- 31 (1) "Advanced emergency medical technician" (AEMT) means an individual
32 licensed with cognitive knowledge and a scope of practice that corresponds
33 to that level in the national EMS education standards and national EMS scope
34 of practice model.
- 35 (2) "Adverse action" means any administrative, civil, equitable or
36 criminal action permitted by a state's laws that may be imposed against li-
37 censed EMS personnel by a state EMS authority or state court, including but
38 not limited to actions against an individual's license such as revocation,
39 suspension, probation, consent agreement, monitoring or other limitation
40 or encumbrance on the individual's practice, letters of reprimand or ad-
41 monition, fines, criminal convictions and state court judgments enforcing
42 adverse actions by the state EMS authority.
- 43 (3) "Alternative program" means a voluntary, nondisciplinary sub-
44 stance abuse recovery program approved by a state EMS authority.
- 45 (4) "Certification" means the successful verification of entry-level
46 cognitive and psychomotor competency using a reliable, validated and
47 legally defensible examination.

1 (5) "Commission" means the national administrative body of which all
2 states that have enacted the compact are members.

3 (6) "Emergency medical technician" (EMT) means an individual licensed
4 with cognitive knowledge and a scope of practice that corresponds to that
5 level in the national EMS education standards and national EMS scope of prac-
6 tice model.

7 (7) "Home state" means a member state where an individual is licensed to
8 practice emergency medical services.

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

11 (9) "Medical director" means a physician licensed in a member state who
12 is accountable for the care delivered by EMS personnel.

13 (10) "Member state" means a state that has enacted this compact.

14 (11) "Paramedic" means an individual licensed with cognitive knowledge
15 and a scope of practice that corresponds to that level in the national EMS
16 education standards and national EMS scope of practice model.

17 (12) "Privilege to practice" means an individual's authority to deliver
18 emergency medical services in remote states as authorized under this com-
19 pact.

20 (13) "Remote state" means a member state in which an individual is not
21 licensed.

22 (14) "Restricted" means the outcome of an adverse action that limits a
23 license or the privilege to practice.

24 (15) "Rule" means a written statement by the commission promulgated
25 pursuant to section XII of this compact that is of general applicability; im-
26 plements, interprets or prescribes a policy or provision of the compact; or
27 is an organizational, procedural or practice requirement of the commission
28 and has the force and effect of statutory law in a member state and includes
29 the amendment, repeal or suspension of an existing rule.

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

34 (17) "Significant investigatory information" means:

35 (a) Investigative information that a state EMS authority, after a pre-
36 liminary inquiry that includes notification and an opportunity to re-
37 spond if required by state law, has reason to believe, if proved true,
38 would result in the imposition of an adverse action on a license or priv-
39 ilege to practice; or

40 (b) Investigative information that indicates that the individual rep-
41 represents an immediate threat to public health and safety regardless of
42 whether the individual has been notified and had an opportunity to re-
43 spond.

44 (18) "State" means any state, commonwealth, district or territory of
45 the United States.

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

48 SECTION III
49 HOME STATE LICENSE

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

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

6 (3) A home state's license authorizes an individual to practice in a re-
7 mote state under the privilege to practice only if the home state:

8 (a) Currently requires the use of the national registry of emergency
9 medical technicians (NREMT) examination as a condition of issuing ini-
10 tial licenses at the EMT and paramedic levels;

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

13 (c) Notifies the commission, in compliance with the terms of this com-
14 pact, of any adverse action or significant investigatory information
15 regarding an individual;

16 (d) No later than five (5) years after activation of the compact, re-
17 quires a criminal background check of all applicants for initial licen-
18 sure, including the use of the results of fingerprint or other biometric
19 data checks compliant with the requirements of the federal bureau of in-
20 vestigation with the exception of federal employees who have suitabil-
21 ity determination in accordance with 5 CFR 731.202 and submit documen-
22 tation of such as promulgated in the rules of the commission; and

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

24 SECTION IV
25 COMPACT PRIVILEGE TO PRACTICE

26 (1) Member states shall recognize the privilege to practice of an indi-
27 vidual licensed in another member state that is in conformance with section
28 III of this compact.

29 (2) To exercise the privilege to practice under the terms and provi-
30 sions of this compact, an individual must:

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

32 (b) Possess a current unrestricted license in a member state as an EMT,
33 AEMT, paramedic or state recognized level of licensure with a scope of
34 practice and authority between EMT and paramedic; and

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

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

40 (4) Except as provided in this section, an individual practicing in a
41 remote state will be subject to the remote state's authority and laws. A
42 remote state may, in accordance with due process and that state's laws, re-
43 strict, suspend or revoke an individual's privilege to practice in the re-
44 mote state and may take any other necessary actions to protect the health and
45 safety of its citizens. If a remote state takes action, it shall promptly no-
46 tify the home state and the commission.

47 (5) If an individual's license in any home state is restricted or sus-
48 pended, the individual shall not be eligible to practice in a remote state

1 under the privilege to practice until the individual's home state license is
2 restored.

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

7 SECTION V
8 CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

22 (5) Other conditions as determined by rules promulgated by the commis-
23 sion.

24 SECTION VI
25 RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

26 Upon a member state's governor's declaration of a state of emergency or
27 disaster that activates the emergency management assistance compact (EMAC),
28 all relevant terms and provisions of EMAC shall apply and to the extent any
29 terms or provisions of this compact conflict with EMAC, the terms of EMAC
30 shall prevail with respect to any individual practicing in the remote state
31 in response to such declaration.

32 SECTION VII
33 VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR
34 SPOUSES

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

41 (2) Member states shall expedite the processing of licensure applica-
42 tions submitted by veterans, active military service members, and members
43 of the national guard and reserves separating from an active duty tour, and
44 their spouses.

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

SECTION VIII ADVERSE ACTIONS

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

(2) 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.

(a) 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.

(b) 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.

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

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

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

(6) 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 such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

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

SECTION IX ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

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

(1) Issue subpoenas for both 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, and/or the production of evidence from another mem-

ber 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 EMS authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

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

SECTION X

ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

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

(a) The commission is a body politic and an instrumentality of the compact states.

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

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

(2) Membership, voting, and meetings.

(a) Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or such official's designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one (1) 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 will be responsible for assigning the delegate.

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

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

(d) 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 XII of this compact.

(e) The commission may convene in a closed, nonpublic meeting if the commission must discuss noncompliance of a member state with its obligations under the compact; the employment, compensation, discipline or

1 other personnel matters, practices or procedures related to specific
 2 employees or other matters related to the commission's internal person-
 3 nel practices and procedures; current, threatened or reasonably antic-
 4 ipated litigation; negotiation of contracts for the purchase or sale of
 5 goods, services or real estate; accusing any person of a crime or for-
 6 mally censuring any person; disclosure of trade secrets or commercial
 7 or financial information that is privileged or confidential; disclo-
 8 sure of information of a personal nature where disclosure would consti-
 9 tute a clearly unwarranted invasion of personal privacy; disclosure of
 10 investigatory records compiled for law enforcement purposes; disclo-
 11 sure of information related to any investigatory reports prepared by or
 12 on behalf of or for use of the commission or other committee charged with
 13 responsibility of investigation or determination of compliance issues
 14 pursuant to the compact; or matters specifically exempted from disclo-
 15 sure by federal or member state statute.

16 (f) If a meeting, or portion of a meeting, is closed pursuant to this
 17 provision, the commission's legal counsel or designee shall certify
 18 that the meeting may be closed and shall reference each relevant exempt-
 19 ing provision. The commission shall keep minutes that fully and clearly
 20 describe all matters discussed in a meeting and shall provide a full and
 21 accurate summary of actions taken, and the reasons therefore, including
 22 a description of the views expressed. All documents considered in con-
 23 nection with an action shall be identified in such minutes. All minutes
 24 and documents of a closed meeting shall remain under seal, subject to
 25 release by a majority vote of the commission or order of a court of com-
 26 petent jurisdiction.

27 (3) The commission shall, by a majority vote of the delegates, pre-
 28 scribe bylaws and/or rules to govern its conduct as may be necessary or
 29 appropriate to carry out the purposes and exercise the powers of the compact,
 30 including but not limited to:

31 (a) Establishing the fiscal year of the commission;

32 (b) Providing reasonable standards and procedures for the establish-
 33 ment and meetings of other committees; and governing any general or spe-
 34 cific delegation of any authority or function of the commission;

35 (c) Providing reasonable procedures for calling and conducting meet-
 36 ings of the commission, ensuring reasonable advance notice of all meet-
 37 ings, and providing an opportunity for attendance of such meetings by
 38 interested parties, with enumerated exceptions designed to protect the
 39 public's interest, the privacy of individuals, and proprietary infor-
 40 mation, including trade secrets. The commission may meet in closed ses-
 41 sion only after a majority of the membership votes to close a meeting in
 42 whole or in part. As soon as practicable, the commission must make pub-
 43 lic a copy of the vote to close the meeting revealing the vote of each
 44 member with no proxy votes allowed;

45 (d) Establishing the titles, duties and authority, and reasonable pro-
 46 cedures for the election of the officers of the commission;

47 (e) Providing reasonable standards and procedures for the establish-
 48 ment of the personnel policies and programs of the commission. Notwith-
 49 standing any civil service or other similar laws of any member state,

1 the bylaws shall exclusively govern the personnel policies and programs
2 of the commission;

3 (f) Promulgating a code of ethics to address permissible and prohibited
4 activities of commission members and employees;

5 (g) Providing a mechanism for winding up the operations of the commis-
6 sion and the equitable disposition of any surplus funds that may exist
7 after the termination of the compact after the payment and/or reserving
8 of all of its debts and obligations;

9 (h) Publishing its bylaws and filing a copy thereof, and a copy of any
10 amendment thereto, with the appropriate agency or officer in each of the
11 member states, if any;

12 (i) Maintaining its financial records in accordance with the bylaws;
13 and

14 (j) Meeting and taking such actions as are consistent with the provi-
15 sions of this compact and the bylaws.

16 (4) The commission shall have the following powers:

17 (a) The authority to promulgate uniform rules to facilitate and coor-
18 dinate implementation and administration of this compact. The rules
19 shall have the force and effect of law and shall be binding in all member
20 states;

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

25 (c) To purchase and maintain insurance and bonds;

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

28 (e) To hire employees, elect or appoint officers, fix compensation, de-
29 fine duties, grant such individuals appropriate authority to carry out
30 the purposes of the compact, and to establish the commission's person-
31 nel policies and programs relating to conflicts of interest, qualifica-
32 tions of personnel, and other related personnel matters;

33 (f) To accept any and all appropriate donations and grants of money,
34 equipment, supplies, materials and services, and to receive, utilize
35 and dispose of the same; provided that at all times the commission shall
36 strive to avoid any appearance of impropriety and/or conflict of inter-
37 est;

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

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

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

45 (j) To borrow money;

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

1 (l) To provide and receive information from, and to cooperate with, law
2 enforcement agencies;

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

4 (n) To perform such other functions as may be necessary or appropriate
5 to achieve the purposes of this compact consistent with the state regu-
6 lation of EMS personnel licensure and practice.

7 (5) Financing of the commission.

8 (a) The commission shall pay, or provide for the payment of, the rea-
9 sonable expenses of its establishment, organization and ongoing activ-
10 ities.

11 (b) The commission may accept any and all appropriate revenue sources,
12 donations, and grants of money, equipment, supplies, materials and ser-
13 vices.

14 (c) The commission may levy on and collect an annual assessment from
15 each member state or impose fees on other parties to cover the cost of
16 the operations and activities of the commission and its staff, which
17 must be in a total amount sufficient to cover its annual budget as ap-
18 proved each year for which revenue is not provided by other sources. The
19 aggregate annual assessment amount shall be allocated based upon a for-
20 mula to be determined by the commission, which shall promulgate a rule
21 binding upon all member states.

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

26 (e) The commission shall keep accurate accounts of all receipts and
27 disbursements. The receipts and disbursements of the commission shall
28 be subject to the audit and accounting procedures established under its
29 bylaws. However, all receipts and disbursements of funds handled by the
30 commission shall be audited yearly by a certified or licensed public
31 accountant, and the report of the audit shall be included in and become
32 part of the annual report of the commission.

33 (6) Qualified immunity, defense, and indemnification.

34 (a) The members, officers, executive director, employees and represen-
35 tatives of the commission shall be immune from suit and liability, ei-
36 ther personally or in their official capacity, for any claim for dam-
37 age to or loss of property or personal injury or other civil liability
38 caused by or arising out of any actual or alleged act, error or omission
39 that occurred, or that the person against whom the claim is made had a
40 reasonable basis for believing occurred within the scope of commission
41 employment, duties or responsibilities; provided that nothing in this
42 paragraph shall be construed to protect any such person from suit and/or
43 liability for any damage, loss, injury or liability caused by the inten-
44 tional or willful or wanton misconduct of that person.

45 (b) The commission shall defend any member, officer, executive direc-
46 tor, employee or representative of the commission in any civil action
47 seeking to impose liability arising out of any actual or alleged act,
48 error or omission that occurred within the scope of commission employ-
49 ment, duties or responsibilities, or that the person against whom the
50 claim is made had a reasonable basis for believing occurred within the

1 scope of commission employment, duties or responsibilities; provided
 2 that nothing in this section shall be construed to prohibit that person
 3 from retaining such person's own counsel; and provided further, that
 4 the actual or alleged act, error or omission did not result from that
 5 person's intentional or willful or wanton misconduct.

6 (c) The commission shall indemnify and hold harmless any member, offi-
 7 cer, executive director, employee or representative of the commission
 8 for the amount of any settlement or judgment obtained against that per-
 9 son arising out of any actual or alleged act, error or omission that oc-
 10 curred within the scope of commission employment, duties or responsi-
 11 bilities, or that such person had a reasonable basis for believing oc-
 12 curred within the scope of commission employment, duties or responsi-
 13 bilities, provided that the actual or alleged act, error or omission did
 14 not result from the intentional or willful or wanton misconduct of that
 15 person.

16 SECTION XI 17 COORDINATED DATABASE

18 (1) The commission shall provide for the development and maintenance of
 19 a coordinated database and reporting system containing licensure, adverse
 20 action and significant investigatory information on all licensed individu-
 21 als in member states.

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

26 (a) Identifying information;

27 (b) Licensure data;

28 (c) Significant investigatory information;

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

30 (e) An indicator that an individual's privilege to practice is re-
 31 stricted, suspended or revoked;

32 (f) Nonconfidential information related to alternative program par-
 33 ticipation;

34 (g) Any denial of application for licensure and the reason(s) for such
 35 denial; and

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

38 (3) The coordinated database administrator shall promptly notify all
 39 member states of any adverse action taken against, or significant investiga-
 40 tive information on, any individual in a member state.

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

44 (5) Any information submitted to the coordinated database that is sub-
 45 sequently required to be expunged by the laws of the member state contribut-
 46 ing the information shall be removed from the coordinated database.

47 SECTION XII

RULEMAKING

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

(2) If a majority of the legislatures of the member states rejects 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.

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

(4) 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:

(a) On the website of the commission; and

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

(5) The notice of proposed rulemaking shall include:

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

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

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

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

(6) 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.

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

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

(b) A governmental subdivision or agency; or

(c) An association having at least twenty-five (25) members.

(8) 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.

(a) 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.

(b) 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.

(c) No transcript of the hearing is 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

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

3 (d) Nothing in this section shall be construed as requiring a separate
4 hearing on each rule. Rules may be grouped for the convenience of the
5 commission at hearings required by this section.

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

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

12 (11) If no written notice of intent to attend the public hearing by in-
13 terested parties is received, the commission may proceed with promulgation
14 of the proposed rule without a public hearing.

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

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

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

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

26 (d) Protect public health and safety.

27 (13) The commission or an authorized committee of the commission may di-
28 rect revisions to a previously adopted rule or amendment for purposes of cor-
29 recting typographical errors, errors in format, errors in consistency, or
30 grammatical errors. Public notice of any revisions shall be posted on the
31 website of the commission. The revision shall be subject to challenge by any
32 person for a period of thirty (30) days after posting. The revision may be
33 challenged only on grounds that the revision results in a material change
34 to a rule. A challenge shall be made in writing, and delivered to the chair
35 of the commission prior to the end of the notice period. If no challenge is
36 made, the revision will take effect without further action. If the revision
37 is challenged, the revision may not take effect without the approval of the
38 commission.

39 SECTION XIII 40 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

41 (1) Oversight.

42 (a) The executive, legislative and judicial branches of state govern-
43 ment in each member state shall enforce this compact and take all ac-
44 tions necessary and appropriate to effectuate the compact's purposes
45 and intent. The provisions of this compact and the rules promulgated
46 hereunder shall have standing as statutory law.

47 (b) All courts shall take judicial notice of the compact and the rules
48 in any judicial or administrative proceeding in a member state pertain-

1 ing to the subject matter of this compact that may affect the powers, re-
2 sponsibilities or actions of the commission.

3 (c) The commission shall be entitled to receive service of process in
4 any such proceeding, and shall have standing to intervene in such a pro-
5 ceeding for all purposes. Failure to provide service of process to the
6 commission shall render a judgment or order void as to the commission,
7 this compact, or promulgated rules.

8 (2) Default, technical assistance, and termination.

9 (a) If the commission determines that a member state has defaulted in
10 the performance of its obligations or responsibilities under this com-
11 pact or the promulgated rules, the commission shall provide written no-
12 tice to the defaulting state and other member states of the nature of the
13 default, the proposed means of curing the default and/or any other ac-
14 tion to be taken by the commission; and provide remedial training and
15 specific technical assistance regarding the default.

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

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

27 (d) A state that has been terminated is responsible for all assess-
28 ments, obligations and liabilities incurred through the effective date
29 of termination, including obligations that extend beyond the effective
30 date of termination.

31 (e) The commission shall not bear any costs related to a state that is
32 found to be in default or that has been terminated from the compact, un-
33 less agreed upon in writing between the commission and the defaulting
34 state.

35 (f) The defaulting state may appeal the action of the commission by pe-
36 titioning the United States district court for the District of Columbia
37 or the federal district where the commission has its principal offices.
38 The prevailing member shall be awarded all costs of such litigation, in-
39 cluding reasonable attorney's fees.

40 (3) Dispute resolution.

41 (a) Upon request by a member state, the commission shall attempt to re-
42 solve disputes related to the compact that arise among member states and
43 between member and nonmember states.

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

46 (4) Enforcement.

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

49 (b) By majority vote, the commission may initiate legal action in the
50 United States district court for the District of Columbia or the fed-

1 eral district where the commission has its principal offices against
 2 a member state in default to enforce compliance with the provisions of
 3 the compact and its promulgated rules and bylaws. The relief sought
 4 may include both injunctive relief and damages. In the event judicial
 5 enforcement is necessary, the prevailing member shall be awarded all
 6 costs of such litigation, including reasonable attorney's fees.

7 (c) The remedies in this section shall not be the exclusive remedies of
 8 the commission. The commission may pursue any other remedies available
 9 under federal or state law.

10 SECTION XIV

11 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL 12 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

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

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

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

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

28 (b) Withdrawal shall not affect the continuing requirement of the with-
 29 drawing state's EMS authority to comply with the investigative and ad-
 30 verse action reporting requirements of this compact prior to the effec-
 31 tive date of withdrawal.

32 (4) Nothing contained in this compact shall be construed to invalidate
 33 or prevent any EMS personnel licensure agreement or other cooperative ar-
 34 rangement between a member state and a nonmember state that does not conflict
 35 with the provisions of this compact.

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

39 SECTION XV

40 CONSTRUCTION AND SEVERABILITY

41 This compact shall be liberally construed so as to effectuate the pur-
 42 poses thereof. If this compact shall be held contrary to the constitution of
 43 any state member thereto, the compact shall remain in full force and effect
 44 as to the remaining member states. Nothing in this compact supersedes state
 45 law or rules related to licensure of EMS agencies.

1 SECTION 2. That Section [56-1013B](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 3. That Section [56-1013C](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 4. That Section [56-1013D](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 5. That Section [56-1013E](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 6. That Section [56-1013F](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 7. That Section [56-1013G](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 8. That Section [56-1013H](#), Idaho Code, be, and the same is hereby
14 repealed.

15 SECTION 9. That Section [56-1013I](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 10. That Section [56-1013J](#), Idaho Code, be, and the same is
18 hereby repealed.

19 SECTION 11. That Section [56-1013K](#), Idaho Code, be, and the same is
20 hereby repealed.

21 SECTION 12. That Section [56-1013L](#), Idaho Code, be, and the same is
22 hereby repealed.

23 SECTION 13. That Section [56-1013M](#), Idaho Code, be, and the same is
24 hereby repealed.

25 SECTION 14. That Section [56-1013N](#), Idaho Code, be, and the same is
26 hereby repealed.

27 SECTION 15. That Section [56-1013O](#), Idaho Code, be, and the same is
28 hereby repealed.

29 SECTION 16. That Section [56-1013P](#), Idaho Code, be, and the same is
30 hereby repealed.

31 SECTION 17. That Section [56-1013Q](#), Idaho Code, be, and the same is
32 hereby repealed.

33 SECTION 18. An emergency existing therefor, which emergency is hereby
34 declared to exist, this act shall be in full force and effect on and after
35 July 1, 2025.