**Responses** **to the Opposition (previously expressed) to the EMS Compact by Charles R. “Chuck” O’Neal, MS, NRP, FACPE, when he served as Deputy Executive Director- Administration, Kentucky Board of Emergency Medical Services**

1. The costs associated with membership in the EMS Compact are mentioned verbally during presentations, but not mentioned monetarily in the compact legislation.  We don’t feel comfortable adopting legislation of fees that will then be determined and modified by a quasi-governmental EMS Compact Commission.  To clarify, member states are required to make payments to the Commission for fees that the commission shall set which have not yet been established and can be modified at any time by vote of the Commission.

**Response:** The costs associated with state membership in the compact are being supported through the National Registry of EMT’s and other support is derived from the National Association of State Emergency Management Services Officials (“NASEMSO”). The EMS Compact only applies to EMS personnel when they are functioning on behalf of an organization licensed or approved for operations in the remote state. Operations for EMS personnel crossing a state border will be simple and temporary. There is no application and no fee.

1. All member states do not have the same rigorous background check process as Kentucky.  KBEMS reviews the criminal background check of every applicant prior to initial certification, and for renewal every two (2) years.  Many states do not review ALL criminal background checks every renewal cycle.  We believe that this process keeps our citizens safe, and is one of the many benchmarks of our public protection processes.

**Response:** The EMS Compact requires an FBI fingerprint-based background

check Fingerprint-based criminal background checks of all personnel

entering the system are required by May of 2022

1. Member states do not have standardized disciplinary processes.  There is no standard benchmark for the filing of, investigation of, and resolution of complaints.  The disciplinary processes are different state to state, as well as what that state finds to be punitive in nature.

**Response**: No interstate compact has a “standardized disciplinary process.”  By

definition, interstate healthcare compacts rely upon the due process protections

of each state licensing board. **Moreover, sharing of disciplinary information**

**about personnel licensed in the state is being carried out through a coordinated**

**database accessible by all other Compact member states** and **EMT’s**

**who are disciplined in one member state are not eligible to practice in other**

**member states.** **The EMS compact specifically provides “If a remote state takes**

**action it shall promptly notify the home state and the Commission “If an**

**individual’s license in any home state or remote state is restricted or suspended,**

**the individual shall not be eligible to practice in any other home or remote state**

**under the privilege to practice until the individual’s home state license is restored.**

1. The Commonwealth of Kentucky does not allow for anonymous complaints.  Some member states do accept anonymous complaints.

This is not consistent with our complaint process in Kentucky.

**Response**: Empirical research shows that an entity is more likely to receive

complaints when there is an anonymous option.  Public safety is better served

by allowing an anonymous complaint process as an “advantage” because

anonymity is sometimes necessary to encourage a report.

1. Kentucky does not allow for certification/licensure with a previous felony conviction (KRS 311A.050).  Some member states do indeed allow certification/licensure with a previous felony conviction.  The standards for felony convictions vary state to state and do not meet our standards for ensuring public trust and safety.

**Response**: See response to No. 3 above

1. Member states do not have consistent standards on the acceptance of an “EMS DNR” form issued by the state.  In the Commonwealth of Kentucky, the only DNR that can be honored by EMS personnel is the Kentucky EMS DNR, and the Kentucky Medical Orders for Scope of Treatment (MOST) form.

**Response**: The Compact does not regulate DNRs in any manner.  This is a matter

which is subject to each state’s scope of practice and therefore It is entirely

subject to the law of the member state. **All EMT’s who obtain a privilege to**

**practice in another state are obligated to be informed of and to abide by the**

**scope of practice in all other member states including KY if it joins the EMS**

**Compact.**

1. Member states do not have consistent legal authority for Paramedics to pronounce death.  Kentucky requires that ALL Paramedics receive additional training in Determination of Death consistent with Kentucky laws.

**Response:** As is the case with DNR’s the authority to pronounce death in

Kentucky is a “scope of practice” issue. **All EMT’s who obtain a privilege to**

**practice in another state are obligated to be informed of and to abide by the**

**scope of practice in all other member states including KY if it joins the EMS**

**Compact.**

1. The Kentucky Board of EMS is tasked through the sovereign Commonwealth of Kentucky to ensure the task of vetting and conducting appropriate screening of educational standards and criminal backgrounds of applicants for EMS certification and licensure.  This responsibility is vested in the Kentucky Board of EMS by the Commonwealth of Kentucky to protect the health, safety, and welfare of citizens of the Commonwealth of Kentucky.  As the Board tasked with this responsibility, the board does not feel that it is ethical to allow this responsibility to be carried out by a quasi-governmental agency of which the board has only little or no oversight.  The Commonwealth has tasked these responsibilities to the Board of EMS, and it would be irresponsible to our citizens to allow this responsibility to be carried out by another entity.

**Response:** With all due respect, **Mr. O’Neal is in error in his statement that the**

**EMS Compact Commission vets the licenses of those seeking to engage in multi-**

**state EMS practice. Under the compact this continues to be the responsibility of**

**each member state in which the EMS applicant applies for a license as the**

**“home state,” which is then recognized as the equivalent of a license to**

**practice in all other member states similar to the manner in which a driver’s**

**license obtained in one’s home state is recognized as a driving privilege in all**

**other states without the need to file an application for an additional license in**

**each compact member state.**

1. Kentucky’s current statutes and administrative regulations already allow EMS professionals and agencies to come into our state from outside the state during any emergency requiring immediate action.  This latitude is not covered in many state’s regulations and rules, which led to the EMS Compact.  Our current regulations allow for utilization of EMS professionals and agencies licensed in another state for short periods of time during times of emergency.  Kentucky does not need Compact legislation for something that we already allow.

**Response**: Again, Mr. O’Neal is in error with regard to his contention that

Kentucky’ current statutes and administrative regulations already allow EMS

Professionals and agencies to come into the state from other states **during any**

**Emergency** requiring immediate action. The only Kentucky statutes and

regulations which authorize EMS professionals and agencies to come to the state

during emergencies. The only statute allowing this to occur is the Emergency

Management Assistance Compact which only allows EMT’s and other first

responders and agencies from Kentucky and other states to deploy personnel

and equipment across state lines when there has been an Executive Order by

the Governor declaring a state of emergency or other emergency declaration.

In fact, the fact that such deployments can only occur in the event of a

gubernatorially declared emergency is one of the primary reasons for the

compact, because it allows for license portability for EMT’s on a regular basis

once the Compact becomes law.

Respectfully Submitted,

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