

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

7 PURPOSE

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

6 DEFINITIONS

7 In this compact:

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

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

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

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

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

26 (6) "Emergency medical technician (EMT)" means an individual licensed with
27 cognitive knowledge and a scope of practice that corresponds to that level in the

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

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

5 (b) Investigative information that indicates that the individual represents an
6 immediate threat to public health and safety regardless of whether the
7 individual has been notified and had an opportunity to respond;

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

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

12 SECTION 3

13 HOME STATE LICENSURE

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

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

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

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

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

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

- 1 individual;
- 2 (d) No later than five (5) years after activation of the compact, requires a
- 3 criminal background check of all applicants for initial licensure, including
- 4 the use of the results of fingerprint or other biometric data checks
- 5 compliant with the requirements of the Federal Bureau of Investigation
- 6 with the exception of federal employees who have suitability determination
- 7 in accordance with 5 C.F.R. sec. 731.202 and submit documentation of
- 8 such as promulgated in the rules of the commission; and
- 9 (e) Complies with the rules of the commission.

SECTION 4

COMPACT PRIVILEGE TO PRACTICE

- 12 (1) Member states shall recognize the privilege to practice of an individual licensed
- 13 in another member state that is in conformance with Section 3 of this compact.
- 14 (2) To exercise the privilege to practice under the terms and provisions of this
- 15 compact, an individual shall:
- 16 (a) Be at least eighteen (18) years of age;
- 17 (b) Possess a:
 - 18 1. Current, unrestricted license in a member state as an EMT, AEMT or,
 - 19 paramedic; or
 - 20 2. State recognized and licensed level with a scope of practice and
 - 21 authority between EMT and paramedic; and
- 22 (c) Practice under the supervision of a medical director.
- 23 (3) An individual providing patient care in a remote state under the privilege to
- 24 practice shall function within the scope of practice authorized by the home state
- 25 unless and until modified by an appropriate authority in the remote state as may
- 26 be defined in the rules of the commission.
- 27 (4) Except as provided in subsection (3) of this section, an individual practicing in a

1 remote state shall be subject to the remote state's authority and laws. A remote
2 state may, in accordance with due process and that state's laws, restrict, suspend,
3 or revoke an individual's privilege to practice in the remote state and may take
4 any other necessary actions to protect the health and safety of its citizens. If a
5 remote state takes action, it shall promptly notify the home state and the
6 commission.

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

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

13 SECTION 5

14 CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

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

27 SECTION 6

1 **RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

2 **Upon a member state's governor's declaration of a state of emergency or disaster that**
3 **activates the Emergency Management Assistance Compact (EMAC), all relevant terms**
4 **and provisions of EMAC shall apply. To the extent any terms or provisions of this**
5 **compact conflict with EMAC, the terms of EMAC shall prevail with respect to any**
6 **individual practicing in the remote state in response to such declaration.**

7 **SECTION 7**

8 **VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE**

9 **DUTY MILITARY, AND THEIR SPOUSES**

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

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

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

20 **SECTION 8**

21 **ADVERSE ACTIONS**

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

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

27 **(3) All home state adverse action orders shall include a statement that the**

1 individual's compact privileges are inactive. The order may allow the individual
2 to practice in remote states with prior written authorization from both the home
3 state and remote state's EMS authority.

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

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

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

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

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

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

25 SECTION 9

26 ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

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

1 law, is authorized under this compact to:

- 2 (1) Issue subpoenas for both hearings and investigations that require the attendance
3 and testimony of witnesses and the production of evidence. Subpoenas issued by a
4 member state's EMS authority for the attendance and testimony of witnesses, and
5 the production of evidence from another member state, shall be enforced in the
6 remote state by any court of competent jurisdiction, according to that court's
7 practice and procedure in considering subpoenas issued in its own proceedings.
8 The issuing state's EMS authority shall pay any witness fees, travel expenses,
9 mileage, and other fees required by the service statutes of the state where the
10 witnesses and evidence are located; and
- 11 (2) Issue cease and desist orders to restrict, suspend, or revoke an individual's
12 privilege to practice in the state.

13 SECTION 10

14 ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS

15 PERSONNEL PRACTICE

- 16 (1) The compact states hereby create and establish a joint public agency known as
17 the Interstate Commission for EMS Personnel Practice.
- 18 (a) The commission is a body politic and an instrumentality of the compact
19 states.
- 20 (b) Venue is proper and judicial proceedings by or against the commission
21 shall be brought solely and exclusively in a court of competent jurisdiction
22 where the principal office of the commission is located. The commission
23 may waive venue and jurisdictional defenses to the extent it adopts or
24 consents to participate in alternative dispute resolution proceedings.
- 25 (c) Nothing in this compact shall be construed to be a waiver of sovereign
26 immunity.

27 Membership, Voting, and Meetings

- 1 (1) Each member state shall have and be limited to one (1) delegate. The responsible
2 official of the state EMS authority or their designee shall be the delegate to this
3 compact for each member state. Any delegate may be removed or suspended from
4 office as provided by the law of the state from which the delegate is appointed.
5 Any vacancy occurring in the commission shall be filled in accordance with the
6 laws of the member state in which the vacancy exists. In the event that more than
7 one (1) board, office, or other agency with the legislative mandate to license EMS
8 personnel at and above the level of EMT exists, the Governor of the state will
9 determine which entity will be responsible for assigning the delegate.
- 10 (2) Each delegate shall be entitled to one (1) vote with regard to the promulgation of
11 rules and creation of bylaws and shall otherwise have an opportunity to
12 participate in the business and affairs of the commission. A delegate shall vote in
13 person or by other means as provided in the bylaws. The bylaws may provide for
14 delegates' participation in meetings by telephone or other means of
15 communication.
- 16 (3) The commission shall meet at least once during each calendar year. Additional
17 meetings shall be held as set forth in the bylaws.
- 18 (4) All meetings shall be open to the public, and public notice of meetings shall be
19 given in the same manner as required under the rulemaking provisions in
20 Section 12 of this compact.
- 21 (5) The commission may convene in a closed, non-public meeting if the commission
22 discusses:
- 23 (a) Noncompliance of a member state with its obligations under the compact;
24 (b) The employment, compensation, discipline, or other personnel matters,
25 practices, or procedures related to specific employees, or other matters
26 related to the commission's internal personnel practices and procedures;
27 (c) Current, threatened, or reasonably anticipated litigation;

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

- 1 (a) Establishing the fiscal year of the commission;
- 2 (b) Providing reasonable standards and procedures;
- 3 (c) The establishment and meetings of other committees;
- 4 (d) Governing any general or specific delegation of any authority or function of
5 the commission;
- 6 (e) Providing reasonable procedures for calling and conducting meetings of the
7 commission, ensuring reasonable advance notice of all meetings, and
8 providing an opportunity for attendance of such meetings by interested
9 parties, with enumerated exceptions designed to protect the public's interest,
10 the privacy of individuals, and proprietary information, including trade
11 secrets. The commission may meet in closed session only after a majority of
12 the membership votes to close a meeting in whole or in part. As soon as
13 practicable, the commission shall make public a copy of the vote to close the
14 meeting revealing the vote of each member with no proxy votes allowed;
- 15 (f) Establishing the titles, duties, and authority, and reasonable procedures for
16 the election of the officers of the commission;
- 17 (g) Providing reasonable standards and procedures for the establishment of the
18 personnel policies and programs of the commission. Notwithstanding any
19 civil service or other similar laws of any member state, the bylaws shall
20 exclusively govern the personnel policies and programs of the commission;
- 21 (h) Promulgating a code of ethics to address permissible and prohibited
22 activities of commission members and employees; and
- 23 (i) Providing a mechanism for winding up the operations of the commission
24 and the equitable disposition of any surplus funds that may exist after the
25 termination of the compact after the payment and reserving of all of its
26 debts and obligations.
- 27 (8) The commission shall publish its bylaws and file a copy of the bylaws and their

1 amendments with the appropriate agency or officer in each of the member states,
2 if any.

3 (9) The commission shall maintain its financial records in accordance with the
4 bylaws.

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

7 (11) The commission may:

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

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

15 (c) Purchase and maintain insurance and bonds;

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

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

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

27 (g) Lease, purchase, accept appropriate gifts or donations of, or otherwise own,

1 hold, improve, or use, any real, personal, or mixed property; provided that
2 at all times the commission shall strive to avoid any appearance of
3 impropriety;

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

6 (i) Establish a budget and make expenditures;

7 (j) Borrow money;

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

12 (l) Provide and receive information from and cooperate with law enforcement
13 agencies;

14 (m) Adopt and use an official seal; and

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

18 Financing of the Commission

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

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

23 (3) The commission may levy on and collect an annual assessment from each
24 member state or impose fees on other parties to cover the cost of the operations
25 and activities of the commission and its staff, which must be in a total amount
26 sufficient to cover its annual budget as approved each year for which revenue is
27 not provided by other sources. The aggregate annual assessment amount shall be

1 allocated based upon a formula to be determined by the commission, which shall
2 promulgate a rule binding upon all member states.

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

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

13 Qualified Immunity, Defense, and Indemnification

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

24 (2) The commission shall defend any member, officer, executive director, employee,
25 or representative of the commission in any civil action seeking to impose liability
26 arising out of any actual or alleged act, error, or omission that occurred within
27 the scope of commission employment, duties, or responsibilities, or that the

1 person against whom the claim is made had a reasonable basis for believing
2 occurred within the scope of commission employment, duties, or responsibilities;
3 provided that nothing herein shall be construed to prohibit that person from
4 retaining his or her own counsel; and provided further, that the actual or alleged
5 act, error, or omission did not result from that person's intentional, willful, or
6 wanton misconduct.

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

16 SECTION 11

17 COORDINATED DATABASE

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

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

26 (a) Identifying information;

27 (b) Licensure data;

- 1 (c) Significant investigatory information;
2 (d) Adverse actions against an individual's license;
3 (e) An indicator that an individual's privilege to practice is restricted,
4 suspended, or revoked;
5 (f) Non-confidential information related to alternative program participation;
6 (g) Any denial of application for licensure, and the reasons for such denial;
7 and
8 (h) Other information that may facilitate the administration of this compact, as
9 determined by the rules of the commission.
- 10 (3) The coordinated database administrator shall promptly notify all member states
11 of any adverse action taken against, or significant investigative information on,
12 any individual in a member state.
- 13 (4) Member states contributing information to the coordinated database may
14 designate information that may not be shared with the public without the express
15 permission of the contributing state.
- 16 (5) Any information submitted to the coordinated database that is subsequently
17 required to be expunged by the laws of the member state contributing the
18 information shall be removed from the coordinated database.

19 SECTION 12

20 RULEMAKING

- 21 (1) The commission shall exercise its rulemaking powers pursuant to the criteria set
22 forth in this section and the rules it adopts. Rules and amendments shall become
23 binding as of the date specified in each rule or amendment.
- 24 (2) If a majority of the legislatures of the member states rejects a rule, by enactment
25 of a statute or resolution in the same manner used to adopt the compact, then the
26 rule shall have no further force and effect in any member state.
- 27 (3) Rules or amendments to the rules shall be adopted at a regular or special meeting

1 of the commission.

2 (4) Prior to promulgation and adoption of a final rule or rules by the commission,
3 and at least sixty (60) days in advance of the meeting at which the rule will be
4 considered and voted upon, the commission shall file a Notice of Proposed
5 Rulemaking on the Web site of the commission and on the Web site of each
6 member state EMS authority or the publication in which each state would
7 otherwise publish proposed rules.

8 (5) The Notice of Proposed Rulemaking shall include:

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

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

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

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

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

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

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

24 (b) A governmental subdivision or agency; or

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

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

- 1 (b) All persons wishing to be heard at the hearing shall notify the executive
2 director of the commission or other designated member in writing of their
3 desire to appear and testify at the hearing not less than five (5) business
4 days before the scheduled date of the hearing.
- 5 (c) Hearings shall be conducted in a manner providing each person who
6 wishes to comment a fair and reasonable opportunity to comment orally or
7 in writing.
- 8 (d) No transcript of the hearing is required unless a written request for a
9 transcript is made, in which case the person requesting the transcript shall
10 bear the cost of producing the transcript. A recording may be made in lieu
11 of a transcript under the same terms and conditions as a transcript. This
12 paragraph shall not preclude the commission from making a transcript or
13 recording of the hearing if it so chooses.
- 14 (9) Nothing in this section shall be construed as requiring a separate hearing on
15 each rule. Rules may be grouped for the convenience of the commission at
16 hearings required by this section.
- 17 (10) Following the scheduled hearing date, or by the close of business on the
18 scheduled hearing date if the hearing was not held, the commission shall
19 consider all written and oral comments received.
- 20 (11) The commission shall, by majority vote of all members, take final action on the
21 proposed rule and shall determine the effective date of the rule, if any, based on
22 the rulemaking record and the full text of the rule.
- 23 (12) If no written notice of intent to attend the public hearing by interested parties is
24 received, the commission may proceed with promulgation of the proposed rule
25 without a public hearing.
- 26 (13) Upon determination that an emergency exists, the commission may consider and
27 adopt an emergency rule without prior notice, opportunity for comment, or

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

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

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

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

10 (d) Protect public health and safety.

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

22 SECTION 13

23 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

24 Oversight

25 (1) The executive, legislative, and judicial branches of state government in each
26 member state shall enforce this compact and take all actions necessary and
27 appropriate to effectuate the compact's purposes and intent. The provisions of

1 this compact and the rules promulgated hereunder shall have standing as
2 statutory law.

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

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

11 Default, Technical Assistance, and Termination

12 1. If the commission determines that a member state has defaulted in the
13 performance of its obligations or responsibilities under this compact or the
14 promulgated rules, the commission shall:

15 (a) Provide written notice to the defaulting state and other member states of the
16 nature of the default, the proposed means of curing the default, or any
17 other action to be taken by the commission; and

18 (b) Provide remedial training and specific technical assistance regarding the
19 default.

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

26 (3) Termination of membership in the compact shall be imposed only after all other
27 means of securing compliance have been exhausted. Notice of intent to suspend

1 or terminate shall be given by the commission to the Governor, the majority and
2 minority leaders of the defaulting state's legislature, and each of the member
3 states.

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

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

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

14 Dispute Resolution

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

18 (2) The commission shall promulgate a rule providing for both mediation and
19 binding dispute resolution for disputes as appropriate.

20 Enforcement

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

23 (2) By majority vote, the commission may initiate legal action in the United States
24 District Court for the District of Columbia or the federal district where the
25 commission has its principal offices against a member state in default to enforce
26 compliance with the provisions of the compact and its promulgated rules and
27 bylaws. The relief sought may include both injunctive relief and damages. If

1 judicial enforcement is necessary, the prevailing member shall be awarded all
2 costs of such litigation, including reasonable attorney's fees.

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

5 SECTION 14

6 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS
7 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL,
8 AND AMENDMENT

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

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

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

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

24 (c) Withdrawal shall not affect the continuing requirement of the withdrawing
25 state's EMS authority to comply with the investigative and adverse action
26 reporting requirements of this compact prior to the effective date of
27 withdrawal.

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

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

8 SECTION 15

9 CONSTRUCTION AND SEVERABILITY

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

15 SECTION 16

16 APPLICABILITY TO KENTUCKY STATE GOVERNMENT

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

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

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

24 (a) When a rule is adopted pursuant to Section 12 of this compact, the state
25 EMS authority as defined by Section 2 of this compact shall have sixty (60)
26 days to review the rule for the purpose of filing the rule as an emergency
27 administrative regulation pursuant to KRS 13A.190 and for filing the rule

1 as an accompanying ordinary administrative regulation, following the
2 requirements of KRS Chapter 13A. Failure by the state EMS authority as
3 defined by Section 2 of this compact to promulgate a rule adopted by the
4 Interstate Commission for EMS Personnel Practice as an administrative
5 regulation pursuant to KRS Chapter 13A shall result in the initiation of the
6 process for withdrawal as set forth in Section 14 of this compact. Nothing in
7 these provisions shall negate the applicability and effect of Section 12 of
8 this compact to this state.

9 **(b) If the proposed administrative regulation is found deficient and the**
10 **deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the**
11 **provisions of Section 13 of this compact shall apply. If the procedures under**
12 **Section 13 of this compact fail to resolve an issue, the provisions of Section**
13 **14 of this compact shall apply.**

14 **(c) If the Interstate Commission for EMS Personnel Practice created by**
15 **Section 10 of this compact exercises its rulemaking authority in a manner**
16 **that is beyond the scope of the purposes of this compact, or the powers**
17 **granted under this compact, then such an action by the commission shall be**
18 **invalid and have no force or effect.**

19 **(3) Section 10 of this compact pertaining to the financing of the commission shall**
20 **not be interpreted to obligate the general fund of this state. Any funds used to**
21 **finance this compact shall be from money collected pursuant to KRS 311A.145.**

22 **(4) This compact shall apply only to those emergency service personnel who practice**
23 **or work under a compact privilege.**