

REPLICA

Recognition of EMS Personnel Licensure Interstate CompAct

Rules for the Interstate Commission for Emergency Medical Services (EMS) Personnel Practice

CONCEPTUAL RULES FOR DISCUSSION

Note- The contents of the current “Section 10. Coordinated Database – General” will be moved and added to Section 11. Section 11 will be re-titled “Coordinated Database” and renumbered, but no other content changes will be made to Section 11 during this rule revision.

SECTION 10. The Commission

10.1 New Member State. The Commission shall notify all Member States within fifteen (15) calendar days when a new Member State enacts the Compact.

10.2 Process for Review of New State Laws or Amendments to Compacts:

(a) Upon enactment by any state, commonwealth, district, or territory of the United States, of a law intended as that jurisdiction’s adoption of the Compact, the Executive Committee shall review the enacted law to determine whether it contains any provisions which materially conflict with the Compact Model Legislation.

(1) To the extent possible and practicable, this determination shall be made by the Executive Committee after the date of enactment but before the effective date of such law. If the timeframe between enactment and effective date is insufficient to allow for this determination to be made by the Executive Committee prior to the law’s effective date, the Executive Committee shall make the determination required by this paragraph as soon as practicable after the law’s effective date. The fact that such a review may occur subsequent to the law’s effective date shall not impair or prevent the application of the process set forth in this Section 10.2.

(2) If the Executive Committee determines that the enacted law contains no provision which materially conflicts with the Compact Model Legislation, the state shall be admitted as a party to the Compact and to membership in the Commission pursuant to Section 10 of the Compact Model Legislation upon the effective date of the state’s law and thereafter be subject to all rights, privileges, benefits and obligations of the Compact, these Rules and the bylaws.

41 (3) In the event the enacted law contains one or more provisions which the
42 Executive Committee determines materially conflicts with the Compact
43 Model Legislation, the state shall be ineligible for membership in the
44 Commission or to become a party to the Compact, and the state shall be
45 notified in writing within fifteen (15) business days of the Executive
46 Committee's decision.
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48 (4) A state deemed ineligible for Compact membership and Commission
49 participation pursuant to this Section 10.2 shall not be entitled to any of the
50 rights, privileges or benefits of a Compact State as set forth in the Compact,
51 these Rules and/or the bylaws. Without limiting the foregoing, a state deemed
52 ineligible for membership and participation shall not be entitled to appoint a
53 Commissioner, to receive non-public data from the Coordinated Database
54 and/or to avail itself of the default and technical assistance provisions of the
55 Compact. EMS Practitioners licensed in a state deemed ineligible for
56 membership and participation hereunder shall be ineligible for the Privilege to
57 Practice set forth in the Compact and these Rules.
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59 (b) A state determined to be ineligible for Commission membership and Compact
60 participation pursuant to this Section 10.2 may, within thirty (30) calendar days of the
61 date of the decision, appeal in writing the Executive Committee's decision to the
62 Commission. An appeal received by the Commission shall be deemed filed on the
63 date it is sent to the Commission. If there is an appeal to the Commission, the
64 Commission shall review de novo whether the state's enacted law materially conflicts
65 with the Compact Model Legislation. The provisions of 10.2(A)(4) of these Rules
66 shall apply during the pendency of any such appeal. The decision of the Commission
67 may be appealed within thirty (30) calendar days of the date of its decision to a court
68 of competent jurisdiction subject to the venue provisions of Section 10(A)(2) of the
69 Compact. The appealing state shall bear all costs of the appeal and the Commission
70 shall not bear any costs relating to the appeal.
71

72 (c) Subsequent to the determination that a state's enacted law contains provision(s) which
73 materially conflict(s) with the Compact Model Legislation, the state may enact new
74 legislation to remove the conflict(s). The new legislation shall be reviewed as set
75 forth in this Section 10.2(a) and (b) above.
76

77 (d) In the event a Compact State, subsequent to its enactment of the Compact, enacts
78 amendment(s) to its Compact law, or enacts another law or laws which may in any
79 way alter or impact any provision or application of the state's enacted Compact law,
80 the Compact State shall so inform the Commission within fifteen (15) business days
81 of the enactment of such amendment(s) or law(s). After being so informed by the
82 Compact State, or learning of such amendment(s) or law(s) from any other source, the
83 Commission shall review the amendment(s) or law(s) to determine if such
84 amendment(s) or law(s) materially conflict with the state's enacted Compact law. In
85 the event the Commission determines such amendment(s) or law(s) materially
86 conflict(s) with the Compact, the Commission shall determine if the amendment(s) or
87 law(s) constitute a condition of default pursuant to Section 13(B) of the Compact and,

88 if so, proceed according to the process established in Section 13 and Commission
89 Rules.

90
91 (e) For the purpose of determining whether a state’s law intended as enactment of the
92 Compact, or any provision of any enacted law or amendment, materially conflicts
93 with the Compact Model Legislation or the state’s enacted Compact, the Executive
94 Committee and the Commission shall consider the following, among other factors:

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96 (1) Whether the provision constitutes a material alteration of the rights and
97 obligations of the enacting state or of member states.
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99 (2) Whether the provision enlarges the liability or compromises the immunity of
100 the Commission or any authorized agent of the Commission.
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102 (3) Whether the provision modifies venue in proceedings involving the
103 Commission.
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105 (4) Whether the provision restricts the privileges or authorizations to practice as
106 set forth in the Compact Model Legislation.
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108 (5) Whether the provision would allow the state to negate or delay the
109 applicability of a duly promulgated Commission rule in the state.
110
111 (6) Whether the provision would result in the reduction or elimination of fees,
112 levies or assessments payable by the state.
113
114 (7) Whether the provision fundamentally alters the nature of the agreement
115 entered into by member states that have adopted the Compact.
116
117 (8) Whether there is a remedial mechanism, satisfactory to the Executive
118 Committee and/or Commission, whereby the effect of such law or amendment
119 can be mitigated to minimize or eliminate the practical effect of any material
120 conflict.
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122 (9) Whether the provision strikes or amends Compact Model Legislation language
123 based upon a provision of the Compact Model Legislation being contrary to
124 the Constitution of that state, and the Executive Committee and/or
125 Commission determines that the remainder of the Compact can be
126 implemented effectively, and without compromising the rights of the
127 Commission and the member states, without such provision, to the extent the
128 Executive Committee and/or Commission concur that such provision is
129 unconstitutional in the state.
130

131 **10.3 New Member State Implementation.** New states admitted as a party to the Compact and
132 to membership shall within three (3) calendar months from the enactment date, or as otherwise
133 specified in the enabling legislation, provide the Commission an implementation plan and
134 implementation date.

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10.4 Commissioner Appointment. Member States shall:

- (a) appoint one delegate, also known as a Commissioner, to serve on the Commission, in accordance with Section 10(B)(1) of the Compact Model Legislation; and
- (b) ensure the appointed Commissioner is the responsible official of the state EMS authority or his designee;
- (c) ensure any Commissioner vacancy is promptly filled within thirty (30) calendar days.
- (d) In the event that more than one state entity (Committee, office, department, agency, etc.) has the legislative authority to license EMS Practitioners, the Governor shall determine which entity will be responsible for assigning the delegate.
- (e) Appointed Commissioners cannot be represented by or vote by proxy.

SECTION 13. Compliance Issues.

13.1 Initiation of Compliance.

- (a) Compliance issues shall be initiated by the Executive Committee.
- (b) The Executive Committee shall first seek to provide remedial education and specific technical assistance for any potential default.
- (c) For unresolved potential defaults, the Executive Committee shall send a written notice of non-compliance to the Commissioner in the Member State with the alleged non-compliance issue. The state shall respond in writing within thirty (30) calendar days.
 - (1) If the Member States does not have a designated Commissioner, the written notice of non-compliance shall be sent to the Governor of the Member State.
 - (2) If the state fails to respond to the written notice, the Executive Committee, through the Executive Director, shall send a written notice of non-compliance to the Governor of the Member State, copied to the Commissioner, with the alleged non-compliance issue.
 - (2) If the response, in the determination of the Executive Committee fails to reasonably resolve the non-compliance issue, the Executive Committee shall request a written Plan of Correction.
- (d) The Executive Committee shall provide a report and make a recommendation to the Commission concerning issues of non-compliance that:
 - (1) do not have an approved Plan of Correction, with progress; or

- 181 (2) remain unresolved for three (3) or more calendar months.
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183 (e) Grounds for default include but are not limited to, failure of a Compact State to
184 perform obligations or responsibilities imposed by the Compact, Commission
185 Bylaws, or duly promulgated Rules.
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187 (f) If the Commission determines that a Compact State has at any time defaulted in the
188 performance of any of its obligations or responsibilities under the Compact, Bylaws
189 or duly promulgated Rules, the Commission shall notify the Commissioner and
190 Governor of the defaulting Compact State in writing. The Commission may impose
191 any or all of the following remedies:
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193 (1) Remedial education and technical support as directed by the Commission;
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195 (2) Damages and/or costs in such amounts as are deemed to be reasonable as fixed
196 by the Commission;
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198 (3) Suspension of membership in the Compact; and
199
200 (4) Termination of membership in the Compact as provided in the Model
201 Legislation and administrative rules.
202
203 (g) The Commission shall not bear any costs relating to the defaulting Compact State
204 unless otherwise mutually agreed upon between the Commission and the defaulting
205 Compact State.
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207 **13.2 Dispute Resolution Process – Informal, Mediation and Arbitration.**

- 208 (a) The Commissioner from each Compact State shall enforce the Compact and take all
209 actions necessary and appropriate to carry out the Compact’s purpose and intent. The
210 Commission supports efforts to resolve disputes between and among Compact States
211 and encourages communication directly between Compact States prior to employing
212 formal resolution methods.
213
214 (b) Any Compact State may submit a written request to the Executive Committee for
215 assistance in interpreting the law, rules, and policies of the Compact. The Executive
216 Committee may seek the assistance of the Commission’s legal counsel in interpreting
217 the Compact. The Executive Committee shall issue the Commission interpretation of
218 the Compact to all parties to the dispute.
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220 (c) Before submitting a complaint to the Executive Committee, the complaining Member
221 State and responding Member State shall attempt to resolve the issues without
222 intervention by the Commission.
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224 (d) When disputes among Member States are unresolved through informal attempts, the
225 Commission shall request assistance from the Executive Committee.
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227 (1) It is the duty of the Executive Committee to address disputes between or
228 among the Member States concerning the Compact when informal attempts
229 between the Compact States to resolve disputes have been unsuccessful.
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231 (2) The Executive Committee, on behalf of the Commission, in the reasonable
232 exercise of its discretion, has the authority to assist in the resolution of
233 disputes between and among Member States concerning the Compact.
234

235 (e) Informal Resolution
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237 (1) In the event of a dispute arising from the interpretation or application of the
238 Compact by a Member State, the following procedure shall be followed:
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240 a. The Commissioner of the disputing state shall initiate contact with the
241 Commissioner(s) of the Member State(s) involved in the dispute.
242

243 b. The initiating Commissioner shall provide a written statement to the
244 Commissioner(s) of the concerned state(s). This statement, which will
245 be copied to the Executive Committee, shall detail the nature of the
246 dispute.
247

248 c. Upon receipt of the dispute letter, the Commissioner(s) of the state(s)
249 involved shall:

250 i. Review the contents of the letter.

251 ii. Conduct an inquiry into the matter.

252 iii. Provide a written response addressing the issues raised.
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254 d. The response must be issued, in writing copied to the Executive
255 Committee, within 30 calendar days from the receipt of the dispute
256 letter.
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258 e. If interpretation of the Compact is necessary, the Commissioner(s)
259 shall contact the Executive Committee via the Executive Director to
260 request assistance in interpreting relevant provisions.
261

262 f. The Commissioner raising the concern shall document all attempts to
263 resolve the issues.
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265 (2) If the issues cannot be resolved between the Member States, the dispute shall
266 be referred to the Executive Committee for further consideration.
267

268 (f) Disputes between two (2) or more Member States which cannot be resolved through
269 informal resolution or through the Executive Committee, may be referred to
270 mediation and/or an arbitration panel to resolve the issues.
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272 (g) Mediation.
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- 274 (1) A Compact State that is a party to a dispute may request, or the Executive
275 Committee may require, the submission of a matter in controversy to
276 mediation.
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- 278 (2) Mediation shall be conducted by a mediator appointed by the Executive
279 Committee from a list of mediators approved by the National Association of
280 Certified Mediators, or a mediator otherwise agreed to by all parties to the
281 dispute and pursuant to procedures customarily used in mediation
282 proceedings.
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- 284 (3) If all issues are resolved through mediation to the satisfaction of all Member
285 States involved, no further action is required.
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- 287 (4) In the event mediation is necessary, and unless otherwise agreed in advance
288 by all parties, the prevailing party or parties may be entitled to recover the
289 costs of such medication, including reasonable attorneys' fees, to the extent
290 permitted by state law of the prevailing party state. The Commission shall not
291 be liable for any fees, costs or charges pertaining to mediation.
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293 (h) Arbitration.

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- 295 (1) In the event of a dispute between Member States that cannot be resolved
296 through informal means or by mediation, the Commissioner of the initiating
297 Member State(s) shall submit an Arbitration Request form to the Executive
298 Director with a copy to be sent by the initiating state to the other Member
299 State(s) involved.
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- 301 (2) Each Member State party to the dispute shall submit a signed Arbitration
302 Agreement.
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- 304 (3) The Executive Director shall coordinate the arbitration process.
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- 306 (4) The decision of the arbitrator(s) shall be final and binding.
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- 308 (5) In the event arbitration is necessary, and unless otherwise agreed by the
309 parties, at the discretion of an independent arbitration panel, the prevailing
310 party or parties may be entitled to recover the costs of such arbitration,
311 including reasonable attorneys' fees, to the extent permitted by state law of the
312 prevailing party state. The Commission shall not be liable for any fees, costs
313 or charges pertaining to arbitration.
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- 315 (6) Arbitration decisions may be enforced in a court of competent jurisdiction.
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317 **13.3 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State
318 unless otherwise mutually agreed upon between the Commission and the defaulting Compact
319 State.
320

321 **13.4 Judicial Enforcement.** The Commission may by majority vote of the Commissioners,
322 initiate legal action in the United States District Court for the Middle District of Pennsylvania to
323 enforce compliance with the provisions of the Compact, its duly promulgated Rules and Bylaws
324 against any Compact State in default. If judicial enforcement is necessary, the prevailing party
325 shall be awarded all costs of such litigation including reasonable attorney’s fees.
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327 **SECTION 14. Compact Implementation and Activation Date.**

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329 **14.1 Implementation Date.** The Compact was implemented on October 7, 2017, following the
330 enactment of the EMS Compact legislation in ten (10) Member States.

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332 **14.2 Activation Date.** The Compact was activated on March 15, 2020.
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