

# REPLICA

## Recognition of EMS Personnel Licensure Interstate CompAct

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

## CONCEPTUAL RULES FOR DISCUSSION

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### 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.

(3) In the event the enacted law contains one or more provisions which the Executive Committee determines materially conflicts with the Compact Model Legislation, the state shall be ineligible for membership in the

41 Commission or to become a party to the Compact, and the state shall be so  
42 notified within fifteen (15) days of the Executive Committee's decision.  
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44 (4) A state deemed ineligible for Compact membership and Commission  
45 participation pursuant to this Section 10.2 shall not be entitled to any of the  
46 rights, privileges or benefits of a Compact State as set forth in the Compact,  
47 these Rules and/or the bylaws. Without limiting the foregoing, a state deemed  
48 ineligible for membership and participation shall not be entitled to appoint a  
49 Commissioner, to receive non-public data from the Coordinated Database  
50 and/or to avail itself of the default and technical assistance provisions of the  
51 Compact. EMS Practitioners licensed in a state deemed ineligible for  
52 membership and participation hereunder shall be ineligible for the Privilege to  
53 Practice set forth in the Compact and these Rules.  
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55 (b) A state determined to be ineligible for Commission membership and Compact  
56 participation pursuant to this Section 10.2 may, within thirty (30) days of the date of  
57 the decision, appeal in writing the Executive Committee's decision to the  
58 Commission. An appeal received by the Commission shall be deemed filed on the  
59 date it is sent to the Commission. If there is an appeal to the Commission, the  
60 Commission shall review de novo whether the state's enacted law materially conflicts  
61 with the Compact Model Legislation. The provisions of 10.2(A)(4) of these Rules  
62 shall apply during the pendency of any such appeal. The decision of the Commission  
63 may be appealed within thirty (30) days of the date of its decision to a court of  
64 competent jurisdiction subject to the venue provisions of Section 10(A)(2) of the  
65 Compact.  
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67 (c) Subsequent to the determination that a state's enacted law contains provision(s) which  
68 materially conflict(s) with the Compact Model Legislation, the state may enact new  
69 legislation to remove the conflict(s). The new legislation shall be reviewed as set  
70 forth in this Section 10.2(a) and (b) above.  
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72 (d) In the event a Compact State, subsequent to its enactment of the Compact, enacts  
73 amendment(s) to its Compact law, or enacts another law or laws which may in any  
74 way alter or impact any provision or application of the state's enacted Compact law,  
75 the Compact State shall so inform the Commission within fifteen (15) days of the  
76 enactment of such amendment(s) or law(s). After being so informed by the Compact  
77 State, or learning of such amendment(s) or law(s) from any other source, the  
78 Commission shall review the amendment(s) or law(s) to determine if such  
79 amendment(s) or law(s) materially conflict with the state's enacted Compact law. In  
80 the event the Commission determines such amendment(s) or law(s) materially  
81 conflict(s) with the Compact, the Commission shall determine if the amendment(s) or  
82 law(s) constitute a condition of default pursuant to Section 13(B) of the Compact and,  
83 if so, proceed according to the process established in Section 13 and Commission  
84 Rules.  
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86 (e) For the purpose of determining whether a state’s law intended as enactment of the  
87 Compact, or any provision of any enacted law or amendment, materially conflicts  
88 with the Compact Model Legislation or the state’s enacted Compact, the Executive  
89 Committee and the Commission shall consider the following, among other factors:  
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- 91 (1) Whether the provision constitutes a material alteration of the rights and  
92 obligations of the enacting state or of member states.
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- 94 (2) Whether the provision enlarges the liability or compromises the immunity of  
95 the Commission or any authorized agent of the Commission.
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- 97 (3) Whether the provision modifies venue in proceedings involving the  
98 Commission.
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- 100 (4) Whether the provision restricts the privileges or authorizations to practice as  
101 set forth in the Compact Model Legislation.
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- 103 (5) Whether the provision would allow the state to negate or delay the  
104 applicability of a duly promulgated Commission rule in the state.
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- 106 (6) Whether the provision would result in the reduction or elimination of fees,  
107 levies or assessments payable by the state.
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- 109 (7) Whether the provision fundamentally alters the nature of the agreement  
110 entered into by member states that have adopted the Compact.
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- 112 (8) Whether there is a remedial mechanism, satisfactory to the Executive  
113 Committee and/or Commission, whereby the effect of such law or amendment  
114 can be mitigated so as to minimize or eliminate the practical effect of any  
115 material conflict.
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- 117 (9) Whether the provision strikes or amends Compact Model Legislation language  
118 based upon a provision of the Compact Model Legislation being contrary to  
119 the Constitution of that state, and the Executive Committee and/or  
120 Commission determines that the remainder of the Compact can be  
121 implemented effectively, and without compromising the rights of the  
122 Commission and the member states, without such provision, to the extent the  
123 Executive Committee and/or Commission concur that such provision is  
124 unconstitutional in the state.
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126 **10.3 New Member State Implementation.** New states admitted as a party to the Compact and  
127 to membership shall within three (3) calendar months from the enactment date, or as otherwise  
128 specified in the enabling legislation, provide the Commission an implementation plan and  
129 implementation date.

130 **10.4 Commissioner Appointment.** Member States shall:  
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- 132 (a) appoint one delegate, also known as a Commissioner, to serve on the Commission, in  
133 accordance with Section 10(B)(1) of the Compact Model Legislation; and  
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135 (b) ensure the appointed Commissioner is the responsible official of the state EMS  
136 authority or his designee;  
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138 (c) ensure any Commissioner vacancy is promptly filled within thirty (30) calendar days.  
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140 (d) In the event that more than one state entity (Committee, office, department, agency,  
141 etc.) has the legislative authority to license EMS Practitioners, the Governor shall  
142 determine which entity will be responsible for assigning the delegate.  
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145 **SECTION 13. Compliance Issues.**

146 **13.1 Initiation of Compliance.**

- 147 (a) Compliance issues shall be initiated by the Executive Committee.  
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149 (b) The Executive Committee shall first seek to provide remedial training and specific  
150 technical assistance for any potential default.  
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152 (c) For unresolved potential defaults, the Executive Committee, through the Executive  
153 Director, shall send a written notice of non-compliance to the Commissioner in the  
154 Member State with the alleged non-compliance issue. The state shall respond in  
155 writing within thirty (30) calendar days.  
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157 (1) If the Member States does not have a designated Commissioner, the written  
158 notice of non-compliance shall be sent to the Governor of the Member State.  
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160 (2) If the state fails to respond to the written notice, the Executive Committee,  
161 through the Executive Director, shall send a written notice of non-compliance to  
162 the Governor of the Member State, copied to the Commissioner, with the alleged  
163 non-compliance issue.  
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165 (2) If the response, in the determination of the Executive Committee fails to  
166 reasonably resolve the non-compliance issue, the Executive Committee may  
167 request a written Plan of Correction.  
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169 (d) The Executive Committee shall provide a report and make a recommendation to the  
170 Commission concerning issues of non-compliance that:  
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172 (1) do not have an approved Plan of Correction, with progress; or  
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174 (2) remain unresolved for three (3) or more calendar months.  
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176 (e) Grounds for default include but are not limited to, failure of a Compact State to  
177 perform obligations or responsibilities imposed by the Compact, Commission  
178 Bylaws, or duly promulgated Rules.

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(f) If the Commission determines that a Compact State has at any time defaulted in the performance of any of its obligations or responsibilities under the Compact, Bylaws or duly promulgated Rules, the Commission shall notify the Commissioner and Governor of the defaulting Compact State in writing. The Commission may impose any or all of the following remedies:

(1) Remedial training and technical support as directed by the Commission;

(2) Damages and/or costs in such amounts as are deemed to be reasonable as fixed by the Commission;

(3) Suspension of membership in the Compact; and

(4) Termination of membership in the Compact.

(g) The Commission shall not bear any costs relating to the defaulting Compact State unless otherwise mutually agreed upon between the Commission and the defaulting Compact State.

### **13.2 Dispute Resolution Process – Informal, Mediation and Arbitration.**

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(a) The Commissioner from each Compact State shall enforce the Compact and take all actions necessary and appropriate to carry out the Compact’s purpose and intent. The Commission supports efforts to resolve disputes between and among Compact States and encourages communication directly between Compact States prior to employing formal resolution methods.

(b) Any Compact State may submit a written request to the Executive Committee for assistance in interpreting the law, rules, and policies of the Compact. The Executive Committee may seek the assistance of the Commission’s legal counsel in interpreting the Compact. The Executive Committee shall issue the Commission interpretation of the Compact to all parties to the dispute.

(c) Before submitting a complaint to the Executive Committee, the complaining Member State and responding Member State shall attempt to resolve the issues without intervention by the Commission.

(d) When disputes among Member States are unresolved through informal attempts, the Commission shall request assistance from the Executive Committee.

(1) It is the duty of the Executive Committee to address disputes between or among the Member States concerning the Compact when informal attempts between the Compact States to resolve disputes have been unsuccessful.

(2) The Executive Committee, on behalf of the Commission, in the reasonable exercise of its discretion, has the authority to assist in the resolution of disputes between and among Member States concerning the Compact.

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(e) Informal Resolution

- (1) The Commissioner of the state disputing another Member State's interpretation or application of the Compact shall contact the Commissioner of the Compact State with which the dispute has arisen. A written statement describing the situation should be provided and enough time allowed for response and opportunity for the other Commissioner(s) to review and investigate the issues raised in the dispute.
  - (2) If interpretation of the Compact is necessary, the Commissioner shall contact the Executive Committee and request assistance in interpreting relevant provisions. This communication to the Executive Committee should be made through the Executive Director.
  - (3) The Commissioner raising the concern shall document all attempts to resolve the issues.
- (f) If all issues are resolved to the satisfaction of all Member States involved, no further action is required. Disputes between two (2) or more Member States which cannot be resolved through informal resolution or through the Executive Committee, may be referred to mediation and/or an arbitration panel to resolve the issues.

(g) Mediation.

- (1) A Compact State that is a party to a dispute may request, or the Executive Committee may require, the submission of a matter in controversy to mediation.
- (2) Mediation shall be conducted by a mediator appointed by the Executive Committee from a list of mediators approved by the National Association of Certified Mediators, or a mediator otherwise agreed to by all parties to the dispute and pursuant to procedures customarily used in mediation proceedings.
- (3) If all issues are resolved through mediation to the satisfaction of all Member States involved, no further action is required.

(h) Arbitration.

- (1) In the event of a dispute between Member States that cannot be resolved through informal means or by mediation, the Commissioner of the initiating Member State(s) shall submit an Arbitration Request form to the Executive Director with a copy to be sent by the initiating state to the other Member State(s) involved.

- 272 (2) Each Member State party to the dispute shall submit a signed Arbitration  
273 Agreement.  
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275 (3) The Executive Director shall coordinate the arbitration process.  
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277 (4) The decision of the arbitrator(s) shall be final and binding.  
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279 (5) In the event arbitration is necessary, and unless otherwise agreed by the  
280 parties, at the discretion of an independent arbitration panel, the prevailing  
281 party or parties may be entitled to recover the costs of such arbitration,  
282 including reasonable attorneys' fees, to the extent permitted by state law of the  
283 prevailing party state. The Commission shall not be liable for any fees, costs  
284 or charges pertaining to arbitration.  
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286 (6) Arbitration decisions may be enforced in a court of competent jurisdiction.  
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288 **13.3 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State  
289 unless otherwise mutually agreed upon between the Commission and the defaulting Compact  
290 State.  
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292 **13.4 Judicial Enforcement.** The Commission may by majority vote of the Commissioners,  
293 initiate legal action in the United States District Court for the Middle District of Pennsylvania to  
294 enforce compliance with the provisions of the Compact, its duly promulgated Rules and Bylaws  
295 against any Compact State in default. In the event that judicial enforcement is necessary, the  
296 prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.  
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298 **SECTION 14. Compact Implementation and Activation Date.**  
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300 **14.1 Implementation Date.** The Compact was implemented on October 7, 2017, following the  
301 enactment of the EMS Compact legislation in ten (10) Member States.  
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303 **14.2 Activation Date.** The Compact was activated on March 15, 2020.  
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