

3 **ADMINISTRATIVE RULES**

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5 **ADOPTED BY THE COMMISSION:** FEBRUARY 21, 2024
6 **EFFECTIVE:** FEBRUARY 21, 2024
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8 **SECTION 1. Purpose and Authority**

9 These rules are promulgated by the Interstate Commission for Emergency Medical Services
10 Personnel Practice pursuant to the Recognition of Emergency Medical Services Personnel Licensure
11 Interstate Compact (REPLICA). These rules shall become effective upon adoption by the
12 Commission. Nothing in the compact or these rules authorizes an individual to practice in a non-
13 member state.

14 **SECTION 2. Definitions**

15 For the purposes of the rules adopted by the Interstate Commission for Emergency Medical Services
16 Personnel Practice, the following definitions shall apply. Terms not specifically defined in these rules
17 shall have the definitions as set forth in the compact.

- 18 2.0 “**Adverse Action**” means: any administrative, civil, equitable or criminal action permitted by
19 a state’s laws which may be imposed against licensed EMS personnel by a state EMS
20 authority or state court, including, but not limited to, actions against an individual’s license
21 such as revocation, suspension, probation, consent agreement, monitoring or other limitation
22 or encumbrance on the individual’s practice, letters of reprimand or admonition, fines,
23 criminal convictions and state court judgments enforcing adverse actions by the state EMS
24 authority.
- 25 2.1 “**Commission**” means: the national administrative body of which all states that have enacted
26 the Compact are members.
- 27 2.2 “**Commissioner**” means: the appointed delegate from each state as described in Section
28 10.B.1. of the Compact.
- 29 2.3 “**Compact**”, hereinafter “the Compact” means: The Recognition of Emergency Medical
30 Services Personnel Licensure Interstate Compact (REPLICA) as enacted by a Member State.
- 31 2.4 “**Compact Data Participation Agreement**” means: the agreement established between the
32 Commission and the Coordinated Database Administrator.
- 33 2.5 “**Conditions of Practice**” means: the circumstances under which an individual is authorized
34 to practice in a remote state under a privilege to practice.
- 35 2.6 “**Coordinated Database**” means: the information system established and maintained by the
36 Commission as set forth in the compact.
- 37 2.7 “**Coordinated Database Administrator**” means: the contractor, person or employee named
38 by the Commission to provide oversight and management of the coordinated database.
- 39 2.8 “**EMS Agency**” means: an organization that is authorized by a state EMS authority to operate

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40 an ambulance service, or non-transport service.

41 **2.9 “License”** means: the authorization by a state for an individual to practice as an EMT,
42 AEMT, Paramedic, or a level in between EMT and Paramedic.

43 **2.10 “Member State”** means: a state that has enacted the Compact.

44 **2.11 “National EMS ID number”** means: a randomly generated, unique 12-digit identification
45 number issued by the National Registry of EMTs.

46 **2.12 “Notify the Commission”** means: communication whether written, verbal or through
47 submission of information through the coordinated database. For the purposes of these rules,
48 submission of information to the coordinated database shall be deemed to have satisfied any
49 requirements under the Compact to a home state or member state. Nothing in the Commission
50 rules shall be construed as prohibiting the sharing of information directly between member
51 states, assuming all other requirements for submission to the coordinated database are
52 satisfied.

53 **2.13 “Non-Member State”** means: a state, territory or jurisdiction of the United States that has not
54 enacted the Compact.

55 **2.14 “Privilege to Practice”** means: an individual’s authority to deliver emergency medical
56 services in remote states as authorized under this compact.

57 **2.15 “Rule”** means: a written statement by the Commission promulgated pursuant to Section 12 of
58 the Compact that is of general applicability; implements, interprets, or prescribes a policy or
59 provision of the Compact; or is an organizational, procedural, or practice requirement of the
60 Commission and has the force and effect of statutory law in a member state and includes the
61 amendment, repeal, or suspension of an existing rule.

62 **2.16 “State”** means: any state, commonwealth, district, or territory of the United States.

63 **2.17 “State EMS Authority”** means: the board, office, or other agency with the legislative
64 mandate to license EMS personnel.

65 **2.18 “Subject”** means: an individual who is under investigation by a state EMS authority for
66 alleged misconduct.

67 SECTION 3. Not Used

68 SECTION 4. Privilege to Practice

69 **4.0 Recognition of privilege to practice.** A remote state shall recognize the privilege to practice
70 of an individual who is licensed in another member state, provided that:

71 A) the home state complies with section 3 of the Compact; and

72 B) the individual is performing EMS duties that are assigned by an EMS agency that is
73 authorized in the remote state (for purposes of this section, such duties shall include
74 the individual's travel to, from and between the location(s) in the remote state at which
75 the individual's assigned EMS duties are to be performed); and

76 C) the results of the individual’s criminal history background check are documented by
77 all home states where the individual is licensed as qualified; and

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- 78 D) the individual has an unrestricted license issued by the home state wherein the EMS
79 agency for which the individual is practicing in the remote state; and
80 E) the individual's privilege to practice has not been restricted or revoked by any member
81 state (except as provided in section 4.2 of these rules).

82 4.1 Notification of privilege to practice status

- 83 A) Home states shall notify the Commission of the privilege to practice status for each
84 individual licensed by the home state to the Commission as described in section 11.4
85 of these rules as unrestricted, restricted, suspended, revoked or denied.
86 B) When a home state restricts, suspends, or revokes an individual's license, the home
87 state shall notify the Commission of the individual's eligibility to request restoration
88 of the privilege to practice on the adverse action order as:
89 (i) Eligible for privilege to practice restoration. The home state EMS authority
90 where the action was taken authorizes the individual to request reinstatement
91 of the privilege to practice in remote states, or
92 (ii) Ineligible for privilege to practice restoration. The home state EMS authority
93 where the action was taken does not authorize the individual to request
94 reinstatement of the privilege to practice in remote states.

95 4.2 Restoration of privilege to practice. The restoration of the privilege to practice shall only 96 occur when:

- 97 (A) the home state license is restored or unrestricted; or
98 (B) the privilege to practice restoration is authorized as stated in section 4.1(B)(i) of these
99 rules and
100 (i) the remote state restores the privilege to practice or removes the restriction of
101 the privilege to practice; and
102 (ii) the individual whose license or privilege to practice in any member state is
103 restricted, suspended, or revoked has submitted a request to each remote state
104 wherein the individual wishes to have a privilege to practice.

105 4.3 Individuals licensed in non-reporting home states. Individuals licensed in a home state that 106 does not collect and submit all elements of the uniform data set are not eligible to practice in a 107 remote state under the privilege to practice until the home state has submitted all elements of 108 the uniform data set in the manner prescribed by the Commission.

109 4.4 Scope of practice. An individual providing patient care in a remote state under the privilege 110 to practice shall function within the scope of practice authorized by his or her home state 111 unless or until modified by the appropriate authority in the remote state.

- 112 (A) Each member state EMS authority that chooses to modify the scope of practice of
113 individuals who are functioning in the state under a privilege to practice must report
114 the specific modifications to the Commission for publication as described in these
115 rules.

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- 117 (B) If the statutes and rules in the remote state allows further modification of the scope of
118 practice, an EMS agency may further modify an individual's scope of practice.
- 119 (C) If the EMS authority of the member state in which patient care is provided specifies a
120 scope of practice that the EMS agency must follow, the individual will follow the
121 scope of practice for the EMS agency for which the individual is providing patient
122 care.
- 123 **4.5 Notification.** A member state shall notify the Commission of any scope of practice
124 modifications or limitations for individuals (from another member state) providing patient
125 care in the state under the privilege to practice.
- 126 **4.6 Publication of scope of practice.** The Commission shall publish the scope of practice
127 limitations and modifications for all member states in the Commission's standards manual
128 that is incorporated in these rules.
- 129 (A) Updates to the standards manual will be published each year on July 1.
- 130 (B) The standards manual will be made available on the Commission website.
- 131 **4.7 Individual responsibility.** An individual providing patient care in a remote state under the
132 privilege to practice is responsible for adhering to the scope of practice modifications or
133 limitations for that remote state as described in the most current version of the Commission's
134 standards manual.

135 SECTION 5. Not Used

136 SECTION 6. Not Used

137 SECTION 7. Not Used

138 SECTION 8. Adverse Actions

139 8.0 Investigation.

- 140 (A) Member states may collaborate in investigating alleged individual misconduct.
- 141 (B) In those cases where the subject is licensed by one or more member states and
142 therefore has more than one home state, the responsibility for the investigation shall
143 fall to the home state that licenses, certifies, commissions, or otherwise authorizes the
144 agency or appropriate authority for which the subject was providing patient care when
145 the alleged misconduct occurred.
- 146 (C) Upon discovery that an individual is under investigation in another member state, the
147 member state may contact the investigating member state and request investigative
148 documents and information.
- 149 (D) This section shall not be construed as limiting any member state's authority to
150 investigate any conduct within that state, or to investigate any licensee.

151 8.1 Reporting of adverse actions.

- 152 (A) A remote state that imposes adverse action against an individual's privilege to
153 practice, shall notify the Commission as soon as possible, but no later than two (2)

154 business days after the imposition of the adverse action.

155 (B) A home state that imposes adverse action against an individual’s license shall notify
156 the Commission as soon as possible, but no later than two (2) business days after the
157 imposition of the adverse action and notify the individual in writing that the
158 individual’s remote state privilege to practice is revoked.

159 (C) Member states are not required to report any other information regarding adverse
160 actions to the Commission other than what is available in the public record of the
161 reporting member state though nothing herein shall prohibit a member state from
162 sharing with another member state, or a non-member state, such additional
163 information as the member state concludes is appropriate.

164 **SECTION 9. Not Used**

165 **SECTION 10. The Commission.**

166 **10.0 (Reserved)**

167 **10.1 New Member State.** The Commission shall notify all Member States within fifteen (15)
168 calendar days when a new Member State enacts the Compact.

169 **10.2 Process for Review of New State Laws or Amendments to Compacts:**

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

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

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

190 (3) In the event the enacted law contains one or more provisions which the
191 Executive Committee determines materially conflicts with the Compact Model
192 Legislation, the state shall be ineligible for membership in the Commission or
193 to become a party to the Compact, and the state shall be notified in writing

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- 194 within fifteen (15) business days of the Executive Committee’s decision.
- 195 (4) A state deemed ineligible for Compact membership and Commission
196 participation pursuant to this Section 10.2 shall not be entitled to any of the
197 rights, privileges or benefits of a Compact State as set forth in the Compact,
198 these Rules and/or the bylaws. Without limiting the foregoing, a state deemed
199 ineligible for membership and participation shall not be entitled to appoint a
200 Commissioner, to receive non-public data from the Coordinated Database
201 and/or to avail itself of the default and technical assistance provisions of the
202 Compact. EMS Practitioners licensed in a state deemed ineligible for
203 membership and participation hereunder shall be ineligible for the Privilege to
204 Practice set forth in the Compact and these Rules.
- 205 (B) A state determined to be ineligible for Commission membership and Compact
206 participation pursuant to this Section 10.2 may, within thirty (30) calendar days of the
207 date of the decision, appeal in writing the Executive Committee’s decision to the
208 Commission. An appeal received by the Commission shall be deemed filed on the date
209 it is sent to the Commission. If there is an appeal to the Commission, the Commission
210 shall review de novo whether the state’s enacted law materially conflicts with the
211 Compact Model Legislation. The provisions of 10.2(A)(4) of these Rules shall apply
212 during the pendency of any such appeal. The decision of the Commission may be
213 appealed within thirty (30) calendar days of the date of its decision to a court of
214 competent jurisdiction subject to the venue provisions of Section 10(A)(2) of the
215 Compact. The appealing state shall bear all costs of the appeal and the Commission
216 shall not bear any costs relating to the appeal.
- 217 (C) Subsequent to the determination that a state’s enacted law contains provision(s) which
218 materially conflict(s) with the Compact Model Legislation, the state may enact new
219 legislation to remove the conflict(s). The new legislation shall be reviewed as set forth
220 in this Section 10.2(A) and (B) above.
- 221 (D) In the event a Compact State, subsequent to its enactment of the Compact, enacts
222 amendment(s) to its Compact law, or enacts another law or laws which may in any
223 way alter or impact any provision or application of the state’s enacted Compact law,
224 the Compact State shall so inform the Commission within fifteen (15) business days of
225 the enactment of such amendment(s) or law(s). After being so informed by the
226 Compact State, or learning of such amendment(s) or law(s) from any other source, the
227 Commission shall review the amendment(s) or law(s) to determine if such
228 amendment(s) or law(s) materially conflict with the state’s enacted Compact law. In
229 the event the Commission determines such amendment(s) or law(s) materially
230 conflict(s) with the Compact, the Commission shall determine if the amendment(s) or
231 law(s) constitute a condition of default pursuant to Section 13(B) of the Compact and,
232 if so, proceed according to the process established in Section 13 and Commission
233 Rules.
- 234 (E) For the purpose of determining whether a state’s law intended as enactment of the
235 Compact, or any provision of any enacted law or amendment, materially conflicts with
236 the Compact Model Legislation or the state’s enacted Compact, the Executive

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- 237 Committee and the Commission shall consider the following, among other factors:
- 238 (1) Whether the provision constitutes a material alteration of the rights and
239 obligations of the enacting state or of member states.
- 240 (2) Whether the provision enlarges the liability or compromises the immunity of
241 the Commission or any authorized agent of the Commission.
- 242 (3) Whether the provision modifies venue in proceedings involving the
243 Commission.
- 244 (4) Whether the provision restricts the privileges or authorizations to practice as
245 set forth in the Compact Model Legislation.
- 246 (5) Whether the provision would allow the state to negate or delay the
247 applicability of a duly promulgated Commission rule in the state.
- 248 (6) Whether the provision would result in the reduction or elimination of fees,
249 levies or assessments payable by the state.
- 250 (7) Whether the provision fundamentally alters the nature of the agreement entered
251 into by member states that have adopted the Compact.
- 252 (8) Whether there is a remedial mechanism, satisfactory to the Executive
253 Committee and/or Commission, whereby the effect of such law or amendment
254 can be mitigated to minimize or eliminate the practical effect of any material
255 conflict.
- 256 (9) Whether the provision strikes or amends Compact Model Legislation language
257 based upon a provision of the Compact Model Legislation being contrary to
258 the Constitution of that state, and the Executive Committee and/or
259 Commission determines that the remainder of the Compact can be
260 implemented effectively, and without compromising the rights of the
261 Commission and the member states, without such provision, to the extent the
262 Executive Committee and/or Commission concur that such provision is
263 unconstitutional in the state.

264 **10.3 New Member State Implementation.** New states admitted as a party to the Compact and to
265 membership shall within three (3) calendar months from the enactment date, or as otherwise
266 specified in the enabling legislation, provide the Commission an implementation plan and
267 implementation date.

268 **10.4 Commissioner Appointment.**

- 269 (A) Member States shall:
- 270 (1) appoint one delegate, also known as a Commissioner, to serve on the
271 Commission, in accordance with Section 10(B)(1) of the Compact Model
272 Legislation; and
- 273 (2) ensure the appointed Commissioner is the responsible official of the state EMS
274 authority or his designee;
- 275 (3) ensure any Commissioner vacancy is promptly filled within thirty (30)

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calendar days.

- (B) 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.
- (C) Appointed Commissioners shall not be represented by or vote by proxy.

SECTION 11. Coordinated Database

11.0 (Reserved)

11.1 Coordinated Database — General

- (A) **Method of data submission.** Member states shall submit the uniform data set described in section 11 of these rules to the coordinated database in accordance with the Compact Data Participation Agreement.
 - (1) **Data ownership.** All data submitted by a member state to the coordinated database remains the property of the member state. Any use of the data in the coordinated database other than that expressly allowed by the Commission is prohibited.
 - (2) A member state may designate member state information that may not be shared with the public without the express permission of the contributing state.
 - (B) **Access to the coordinated database.** Member states shall have access to the uniform data set submitted by other member states.
 - (C) **Implementation.** A member state shall have thirty (30) days to initially provide the member state’s uniform data set to the coordinated database. In the event a member state does not collect one or more elements of the uniform data set, the member state shall initially submit all elements currently collected within thirty (30) days and shall collect and submit any missing elements within eighteen (18) months.
 - (D) **Maintenance of uniform data set.** The accuracy of information maintained in the coordinated database, to the extent it is possible, shall be the responsibility of member states.
 - (E) **Correction of records.** In the event an individual assert that the individual’s uniform data set information is inaccurate, the individual shall provide evidence in a manner determined by the individual’s home state that substantiates such claim. A home state shall verify and submit to the Commission an amendment to correct the uniform data set of an individual.
- 11.2 Uniform Data Set.** Member states must submit the following uniform data set to the coordinated database at the frequency indicated.
- (A) **Identifying information.** The following information for each individual who is licensed must be reported within ten (10) business days of completion of licensure application process. Any changes must be reported within ten (10) business days of the change being processed by the member state.

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- 315 (1) Full legal name (first, middle, last); and
- 316 (2) suffix (if applicable); and
- 317 (3) date of birth (month, day, year); and
- 318 (4) identification number (one or both of the following):
- 319 (a) Social Security Number
- 320 (b) National EMS ID number.

321 **(B) Licensure data.** The following information for each individual who is licensed in the
322 member state must be reported within ten (10) business days of completion of
323 licensure process. Any changes must be reported within ten (10) business days of the
324 change being processed by the member state.

- 325 (1) State of licensure; and
- 326 (2) license level; and
- 327 (3) effective date of license; and
- 328 (4) expiration date of license; and
- 329 (5) license number; and
- 330 (6) license status (if applicable, i.e. inactive, temporary, etc.)

331 **(C) Significant investigative information.** The following information must be reported as
332 soon as possible, but no later than two (2) business days of the member state
333 completing the preliminary inquiry:

- 334 (1) subject's identifying information as stated in section 11.0 of these rules; and
- 335 (2) declaration of the existence of an investigation or pending adverse action
336 related to the incident or act of misconduct.

337 **(D) Adverse actions imposed on an individual's license.** The following information
338 must be reported as soon as possible, but no later than two (2) business days of
339 imposition of the adverse action. Any changes to the status of the adverse action must
340 be reported as soon as possible, but no later than two (2) business days of the change
341 being processed by the member state:

- 342 (1) subject's identifying information as stated in Section 11.2(A) of these rules;
343 and
- 344 (2) summary description of the incident or act of misconduct; and
- 345 (3) declaration of the existence of a criminal investigation or pending criminal
346 charges related to the incident or act of misconduct; and
- 347 (4) declaration of the action taken by the member state; and
- 348 (5) effective date of the action taken; and
- 349 (6) duration of the action.

350 **(E) Privilege to practice status.** The information as described in section 4.1 of these rules

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351 for each individual licensed by the member state must be reported within one (1)
352 month of the effective date of the privilege to practice status. Any changes to the
353 privilege to practice status must be reported as soon as possible, but no later than two
354 (2) business days of the change being processed by the member state.

355 **(F) Non-confidential alternative program participation information.** To the extent
356 allowed by a member state's laws, non-confidential information concerning an
357 individual's participation in an alternative program will be reported.

- 358 (1) Any denial of applications for licensure. The following information must be
359 reported within one month of the denial:
- 360 (2) applicant's identifying information as stated in Section 11. 2(A) of these rules;
361 and
- 362 (3) summary of the reason for denial; and
- 363 (4) declaration of the existence of a criminal investigation or pending criminal
364 charges related to the denial; and
- 365 (5) declaration of the duration of the denial.

366 **(G) Other acts of misconduct or criminal convictions.** Individual acts of misconduct or
367 criminal convictions that a member state becomes aware of, from sources other than
368 the FBI background check that may result in action against an individual's license or
369 privilege to practice in any member state must be reported as soon as possible, but no
370 later than two (2) business days of discovery by the state making the discovery.

371 **(H) Compliance with 28 C.F.R. §20.3.** Nothing in these Rules shall require or permit the
372 sharing or reporting of Criminal History Record Information as that term is defined in
373 28 C.F.R. §20.3 in a manner that is prohibited by law.

374 SECTION 12. Rulemaking

376 **12.0 Proposed rules or amendments.** Proposed rules or amendments to the rules shall be adopted
377 by majority vote of the members of the Commission. Proposed new rules and amendments to
378 existing rules shall be submitted to the Commission office for referral to the rules committee
379 as follows:

- 380 (A) Any Commissioner may submit a proposed rule or rule amendment for referral to the
381 rules committee during the next scheduled Commission meeting. This proposal shall
382 be made in the form of a motion and approved by a majority vote of a quorum of the
383 Commission members present at the meeting.
- 384 (B) Standing committees of the Commission may propose rules or rule amendments by
385 majority vote of that Committee.

386 **12.1 Preparation of draft rules.** The rules committee shall prepare a draft of all proposed rules
387 and provide the draft to all Commissioners for review and comments. Based on the comments
388 made by the Commissioners the Rules Committee shall prepare a final draft of the proposed
389 rule(s) or amendments for consideration by the Commission not later than the next

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Commission meeting.

12.2 Publication of draft rules. Prior to promulgation and adoption of a final rule (in accordance with Section 12 of the Compact) the Commission shall publish the text of the proposed rule or amendment prepared by the rules committee not later than sixty (60) days prior to the meeting at which the vote is scheduled, on the official website of the Commission and in any other official publication that may be designated by the Commission for the publication of its rules. All written comments received by the rules committee on proposed rules shall be posted on the Commission's website upon receipt. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

12.3 Notification. Each administrative rule or amendment shall state:

- (A) The place, time, and date of the scheduled public hearing, if any;
- (B) The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments; and
- (C) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

12.4 Public Hearings. Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. In accordance with Section 12.H. of the Compact, specifically:

- (A) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.
- (B) All persons wishing to be heard at the hearing shall notify the Chairperson of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
- (C) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
- (D) No transcript of the public hearing is required, unless a written request for a transcript is made; in which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing.
- (E) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.
- (F) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.
- (G) The Commission shall, by majority vote of a quorum of the Commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any,

430 based on the rulemaking record and the full text of the rule.

431 **12.5 Status of rules upon adoption of additional member states.** Any state that joins the
432 Compact subsequent to the Commission's initial adoption of the rules shall be subject to the
433 rules as they exist on the date on which the Compact becomes law in that state. Any rule that
434 has been previously adopted by the Commission shall have the full force and effect of law on
435 the day the Compact becomes law in that state.

436 **12.6 Emergency Rulemaking.** Upon determination that an emergency exists, the Commission
437 may consider and adopt an emergency rule that shall become effective immediately upon
438 adoption, provided that the usual rulemaking procedures provided in the Compact and in this
439 section shall be retroactively applied to the rule as soon as reasonably possible, in no event
440 later than ninety (90) days after the effective date of the rule. An emergency rule is one that
441 must be made effective immediately in order to:

- 442 (A) Meet an imminent threat to public health, safety, or welfare;
- 443 (B) Prevent a loss of federal or state funds;
- 444 (C) Meet a deadline for the promulgation of an administrative rule that is established by
445 federal law or rule; or
- 446 (D) Protect public health and safety.

447 **SECTION 13. Compliance Issues and Dispute Resolution Process**

448 **13.1 Initiation of Compliance**

- 449 (A) Compliance issues shall be initiated by the Executive Committee.
- 450 (B) The Executive Committee shall first seek to provide remedial education and specific
451 technical assistance for any potential default.
- 452 (C) For unresolved potential defaults, the Executive Committee shall send a written notice
453 of non-compliance to the Commissioner in the Member State with the alleged non-
454 compliance issue. The state shall respond in writing within thirty (30) calendar days.
 - 455 (1) If the Member States does not have a designated Commissioner, the written
456 notice of non-compliance shall be sent to the Governor of the Member State.
 - 457 (3) If the state fails to respond to the written notice, the Executive Committee,
458 through the Executive Director, shall send a written notice of non-compliance
459 to the Governor of the Member State, copied to the Commissioner, with the
460 alleged non-compliance issue.
 - 461 (3) If the response, in the determination of the Executive Committee fails to
462 reasonably resolve the non-compliance issue, the Executive Committee shall
463 request a written Plan of Correction.
- 464 (D) The Executive Committee shall provide a report and make a recommendation to the
465 Commission concerning issues of non-compliance that:
 - 466 (1) do not have an approved Plan of Correction, with progress; or
 - 467 (2) remain unresolved for three (3) or more calendar months.

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- 468 (E) Grounds for default include but are not limited to, failure of a Compact State to
469 perform obligations or responsibilities imposed by the Compact, Commission Bylaws,
470 or duly promulgated Rules.
- 471 (F) If the Commission determines that a Compact State has at any time defaulted in the
472 performance of any of its obligations or responsibilities under the Compact, Bylaws or
473 duly promulgated Rules, the Commission shall notify the Commissioner and Governor
474 of the defaulting Compact State in writing. The Commission may impose any or all of
475 the following remedies:
- 476 (1) Remedial education and technical support as directed by the Commission;
- 477 (2) Damages and/or costs in such amounts as are deemed to be reasonable as fixed
478 by the Commission;
- 479 (3) Suspension of membership in the Compact; and
- 480 (4) Termination of membership in the Compact as provided in the Model
481 Legislation and administrative rules.
- 482 (G) The Commission shall not bear any costs relating to the defaulting Compact State
483 unless otherwise mutually agreed upon between the Commission and the defaulting
484 Compact State.

13.2 Dispute Resolution Process – Informal, Mediation and Arbitration.

- 486 (A) The Commissioner from each Compact State shall enforce the Compact and take all
487 actions necessary and appropriate to carry out the Compact’s purpose and intent. The
488 Commission supports efforts to resolve disputes between and among Compact States
489 and encourages communication directly between Compact States prior to employing
490 formal resolution methods.
- 491 (B) Any Compact State may submit a written request to the Executive Committee for
492 assistance in interpreting the law, rules, and policies of the Compact. The Executive
493 Committee may seek the assistance of the Commission’s legal counsel in interpreting
494 the Compact. The Executive Committee shall issue the Commission interpretation of
495 the Compact to all parties to the dispute.
- 496 (C) Before submitting a complaint to the Executive Committee, the complaining Member
497 State and responding Member State shall attempt to resolve the issues without
498 intervention by the Commission.
- 499 (D) When disputes among Member States are unresolved through informal attempts, the
500 Commission shall request assistance from the Executive Committee.
- 501 (1) It is the duty of the Executive Committee to address disputes between or
502 among the Member States concerning the Compact when informal attempts
503 between the Compact States to resolve disputes have been unsuccessful.
- 504 (2) The Executive Committee, on behalf of the Commission, in the reasonable
505 exercise of its discretion, has the authority to assist in the resolution of disputes
506 between and among Member States concerning the Compact.

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(E) Informal Resolution

- (1) In the event of a dispute arising from the interpretation or application of the Compact by a Member State, the following procedure shall be followed:
 - (A) The Commissioner of the disputing state shall initiate contact with the Commissioner(s) of the Member State(s) involved in the dispute.
 - (B) The initiating Commissioner shall provide a written statement to the Commissioner(s) of the concerned state(s). This statement, which will be copied to the Executive Committee, shall detail the nature of the dispute.
 - (C) Upon receipt of the dispute letter, the Commissioner(s) of the state(s) involved shall:
 - (i) Review the contents of the letter.
 - (ii) Conduct an inquiry into the matter.
 - (iii) Provide a written response addressing the issues raised.
 - (D) The response must be issued, in writing copied to the Executive Committee, within 30 calendar days from the receipt of the dispute letter.
 - (E) If interpretation of the Compact is necessary, the Commissioner(s) shall contact the Executive Committee via the Executive Director to request assistance in interpreting relevant provisions.
 - (F) The Commissioner raising the concern shall document all attempts to resolve the issues.
- (2) If the issues cannot be resolved between the Member States, the dispute shall be referred to the Executive Committee for further consideration.
- (3) 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.

(F) 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.
- (4) In the event mediation is necessary, and unless otherwise agreed in advance by

545 all parties, the prevailing party or parties may be entitled to recover the costs of
546 such medication, including reasonable attorneys' fees, to the extent permitted
547 by state law of the prevailing party state. The Commission shall not be liable
548 for any fees, costs or charges pertaining to mediation.

549 (G) Arbitration.

- 550 (1) In the event of a dispute between Member States that cannot be resolved
551 through informal means or by mediation, the Commissioner of the initiating
552 Member State(s) shall submit an Arbitration Request form to the Executive
553 Director with a copy to be sent by the initiating state to the other Member
554 State(s) involved.
- 555 (2) Each Member State party to the dispute shall submit a signed Arbitration
556 Agreement.
- 557 (3) The Executive Director shall coordinate the arbitration process.
- 558 (4) The decision of the arbitrator(s) shall be final and binding.
- 559 (5) In the event arbitration is necessary, and unless otherwise agreed by the
560 parties, at the discretion of an independent arbitration panel, the prevailing
561 party or parties may be entitled to recover the costs of such arbitration,
562 including reasonable attorneys' fees, to the extent permitted by state law of the
563 prevailing party state. The Commission shall not be liable for any fees, costs or
564 charges pertaining to arbitration.
- 565 (6) Arbitration decisions may be enforced in a court of competent jurisdiction.

566 **13.3 Costs.** The Commission shall not bear any costs relating to the defaulting Compact State
567 unless otherwise mutually agreed upon between the Commission and the defaulting Compact
568 State.

569 **13.4 Judicial Enforcement.** The Commission may by majority vote of the Commissioners, initiate
570 legal action in the United States District Court for the Middle District of Pennsylvania to
571 enforce compliance with the provisions of the Compact, its duly promulgated Rules and
572 Bylaws against any Compact State in default. If judicial enforcement is necessary, the
573 prevailing party shall be awarded all costs of such litigation including reasonable attorney's
574 fees.

575 **SECTION 14. Compact Implementation and Activation Date.**

576 **14.1 Implementation Date.** The Compact was implemented on October 7, 2017, following the
577 enactment of the EMS Compact legislation in ten (10) Member States.

578 **14.2 Activation Date.** The Compact was activated on March 15, 2020.

579 **SECTION 15. Not Used**