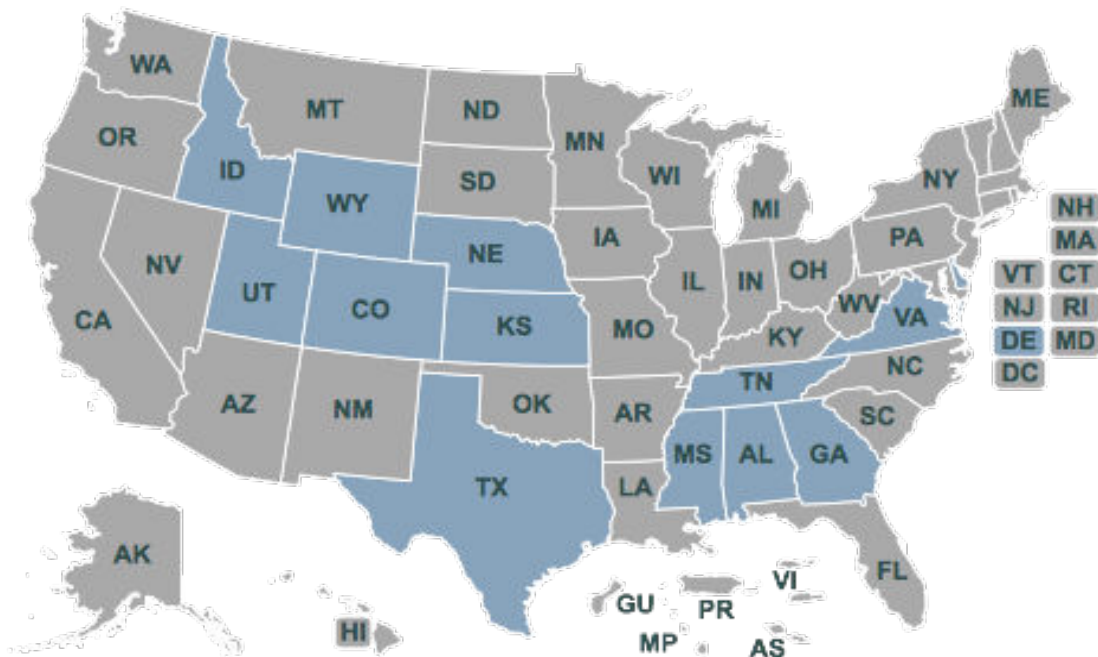
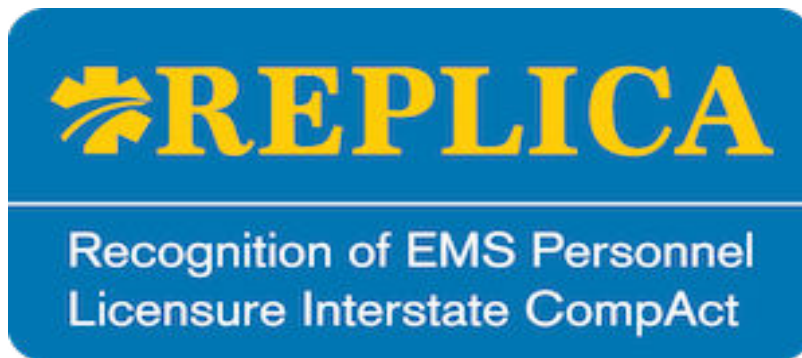
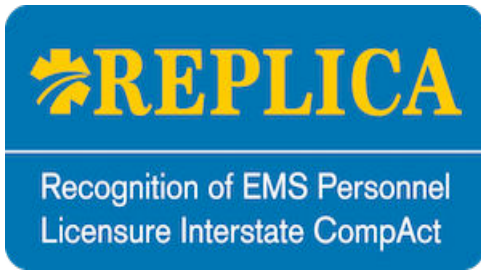


RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT (REPLICA)

**Interstate Commission for EMS Personnel Practice
Commission Meeting
May 22, 2018
Omni Providence Hotel
Providence, Rhode Island**



**Alabama – Colorado – Delaware – Georgia
Idaho – Kansas – Mississippi – Nebraska – Tennessee
Texas – Utah – Virginia – Wyoming**



Interstate Commission for EMS Personnel Practice
5010 E. Trindle Road, Suite 202
Mechanicsburg, PA 17050
Phone (603)381-9195
prentiss@emsreplica.org
www.emsreplica.org

NOTICE OF RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT (REPLICA)

Interstate Commission for EMS Personnel Practice Commission Meeting

Pursuant to Section 10, Subsection B.3. of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA), and Article VI. Meetings and Notices, Section 1. of the Interstate Commission for EMS Personnel Practice Bylaws, we hereby provide notice of the Commission's intent to meet.

The Commission plans to convene a non-public session during this meeting (as noted in the body of the agenda) in accordance with Section 10, Subsection B. 5, item (d) "Negotiation of contracts for the purchase or sale of goods, services, or real estate"

The meeting will be held on:

**Tuesday, May 22, 2018 – 6:30 p.m. EDT
(On-site with the NASEMSO Annual Meeting)**

Virtual Participation: Either by call in/phone or by computer with audio. Please register using this URL:

<https://attendee.gotowebinar.com/register/3092753975021283331>

LOCATION:

Omni Providence Hotel
1 Exchange Street
Providence, RI 02903
Bristol – Kent Room - Updated

In-Person Participation: *Registration required* by email to Prentiss@emsreplica.org

(final agenda)

Alabama - Colorado - Delaware - Georgia - Idaho - Kansas
Mississippi - Tennessee - Texas - Utah - Virginia - Wyoming

May 22, 2018

6:30p.m.

Call to Order – Commission Roll Call

Review and approval of April 20, 2018, Meeting Minutes

Public Comment on the Meeting Agenda

Seating of New Commissioner - Nebraska

Treasurer's Report

- Proclamation for EIN

NREMT - Commission Agreement

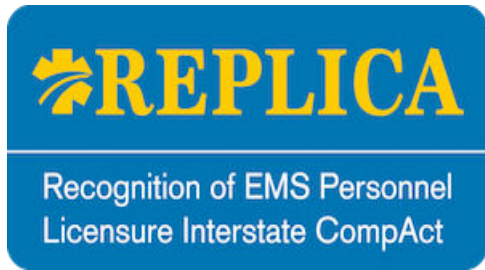
- Reserved for Non-Public (if necessary)

Commissioners Scenario-Based Discussion on Compact Functions

Future Rulemaking Discussion

Public Comment from Non-Commissioner Attendees

For more information on REPLICA and/or the Interstate Commission for EMS Personnel Practice, please contact Sue Prentiss at (603) 381-9195 or prentiss@emsreplica.org.



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prentiss@emsreplica.org
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Treasurer's Report

As of May 22, 2018

- At this time we have no accounts and no funds available.
- We have an EIN established with the Internal Revenue Service.

Respectfully Submitted,
Stephen Wilson, Treasurer

Alabama - Colorado - Delaware - Georgia - Idaho - Kansas
Mississippi - Tennessee - Texas - Utah - Virginia - Wyoming

Reply

Reply all

Forward

Certification - May 22, 2018 Commission Meeting



Reply all | v

DW

Thu 5/10, 12:15 PM

Schmider, Joseph (DSHS) <Joseph.Schmider@dshs.texas.gov>; Sue Prentiss v

Inbox

You replied on 5/10/2018 12:21 PM.

Mr. Chairman,

Pursuant to Section 10.B.6 of the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact (hereinafter referred to as the "Compact"), I hereby certify as legal counsel for the Commission that the Executive Committee may meet in closed session to discuss the proposed NREMT-Commission Agreement, as indicated on the meeting agenda for the May 22, 2018 Commission meeting.

This certification is made pursuant to the exemption set forth in Section 10.B.5(d) of the Compact.

Respectfully submitted,

Douglas M. Wolfberg | Page, Wolfberg & Wirth, LLC

5010 E. Trindle Road | Suite 202 | Mechanicsburg, PA 17050

Direct Dial: 717.620.2680 | Office: 717.691.0100 | Fax: 717.691.1226

dewolfberg@pwwemslaw.com | www.pwwemslaw.com

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RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT (REPLICA)

INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

STATE COMMISSIONERS



Alabama

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Montgomery, Alabama 36104
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Colorado

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Photo Not Available

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Georgia

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Idaho

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Texas

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Utah

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Gary.Brown@vdh.virginia.gov



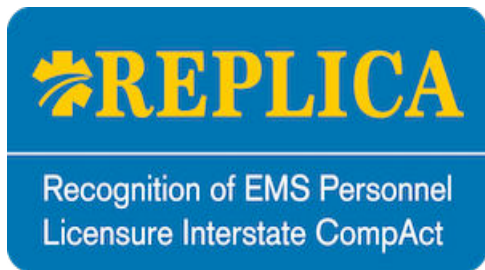
Wyoming

Andy Gienapp, Manager /State Director
Office of EMS
Health Readiness & Response Section
6101 Yellowstone Road, Suite 400
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Phone(307) 777-7955
Fax: (307) 777-5639
Andy.Gienapp@wyo.gov

Interstate Commission for EMS Personnel Practice

Commission Meeting Minutes

April 20, 2018 – need approval



Interstate Commission for EMS Personnel Practice
5010 E. Trindle Road, Suite 202
Mechanicsburg, PA 17050
Phone (603)381-9195
prentiss@emsreplica.org
www.emsreplica.org

INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE
April 20, 2018 – MEETING MINUTES
Virtual Meeting (web/phone)

Friday April 20, 2018

Attendance: Stephen Wilson (Alabama) Jeanne-Marie Bakehouse (Colorado), Earnest Doss (Georgia), Wayne Denny (Idaho), Joe House (Kansas), Alisa Williams (Mississippi) Donna G. Tidwell (Tennessee), Joe Schmider (Texas), Guy Dansie (Utah), Gary Brown (Virginia), Andy Gienapp (Wyoming).

Absent: Diane Hanisworth (Delaware), excused.

Meeting was gaveled to order by Chair Joe Schmider at 3:02p.m. EDT.

A roll call of the Commission member states was performed by Sue Prentiss on behalf of Chair Schmider.

Present: Alabama, Colorado, Georgia, Idaho, Mississippi, Kansas, Tennessee, Texas, Virginia, Utah, and Wyoming. Delaware was absent for the roll call.

Staff: Sue Prentiss, Advocate, Doug Wolfberg, Commission Counsel of Page, Wolfberg and Wirth.

Virtual Participant/Guests: Tom Breyer, Jon Krohmer, John Thomas, Kyle Madigan and Amy Keller.

Review and Approve Meeting Minutes – February 26 – 27, 2018:

Ernie Doss made a motion to approve the February 26-27, 2018, meeting minutes. The motion was seconded by Stephen Wilson.

Motion Passed: 11-0

Public Comments on the Meeting Agenda:

Chair Schmider asked opened the floor for any comments on the meeting agenda.

Alabama - Colorado - Delaware - Georgia - Idaho - Kansas
Mississippi - Tennessee - Texas - Utah - Virginia - Wyoming

Donna Tidwell made a motion to accept the agenda as written. The motion was seconded by Ernie Doss.

Motion passed 11-0

There were no public comments on the agenda.

Motion Passed 11-0

Treasurer's Report:

Stephen Wilson reported that the Commission does not currently have a bank account and any funds to report on. Stephen also reported that he has been working to set up an EIN number and has been in touch with Doug Wolfberg regarding the matter.

Compact Advocate Update:

Sue Prentiss reported she continues advocate efforts and supporting the Commission activities. The updated "Compact Status Statement" has been posted on the REPLICA website, sent to NASEMSO members, and national organizations.

The Compact Governance section of REPLICA website is the primary point of contact for agendas notices, and approved minutes. The call-in numbers for regular committee meetings (Executive and Rules) is posted. Sue emphasized that this is an important resource area for Commissioners. Sue reviewed the proper noticing requirements for Commission meetings and public hearings.

Planning is underway for a webinar on Interstate Compacts and REPLICA with Rick Masters, late May is the target date

Sue reported REPLICAnews@nasemso.org is up and running.

Questions and Answers document has been completed. The Executive Committee worked on this document. Donna Tidwell suggested adding the "Compact Status Statement" to the beginning.

Compact Operational Scenarios:

Chair Schmider opened the discussion about the May 22, 2018, meeting and planning underway. With all the discussion about the workings and operations of the Compact it makes sense to develop scenarios based on the different questions members of the Commission have presented. At the May 22, 2018, meeting, the group will review, discuss and prepare the scenarios to submit to Counsel. This should help drive the rulemaking, and assist the Rules Committee. Chair Schmider thanked Drew Dawson, Interim Executive Director of NREMT, for coming up with this approach. Chair Schmider will send out a reminder to Commissioners in preparation for Rhode Island, and ask for submissions of scenarios to Sue by May 4, 2018.

Wayne Denny stated that the Rules Committee has developed a working list of questions in the seven key areas that the Compact expressly calls for Rulemaking. This document will be sent to all Commission members along with the request for scenarios.

Jeanne-Marie Bakehouse asked if there was an upper limit on the number of questions from each member state. Dia Gainor suggested that we not use names of states and be as generic as possible in process. Thomas Breyer asked if taking the names of the states off the scenarios would present a problem and duplicate efforts if two people from the same state, same organization ask the same question. Chair Schmider wants to keep the material generic, avoid storytelling and, or have anyone feel targeted, concerned this could distract from the conversation.

Reminder the May 22, 2018 notice and agenda was posted by March 18, 2018. The final agenda to be posted by May 10, 2018, at the latest.

Doug Wolfberg wanted to let Stephen Wilson know he is available after the call regarding the EIN numbers.

Next Executive Committee call is on May 4, 2018, 3:00p.m. EDT.

Donna Tidwell made a motion to adjourn. The motion was seconded by Ernie Doss.

Motion passed 11-0

Meeting adjourned at 3:37p.m. EDT.

Prepared by Sue Prentiss on behalf of Andy Gienapp, Secretary, Interstate Compact for EMS Personnel Practice.

Interstate Commission for EMS Personnel Practice

Commission Bylaws – adopted October 7, 2017
REPLICA Final Model – September 2014

1 **Recognition of EMS Personnel Licensure**
2 **Interstate CompAct**
3 **Bylaws**
4

5 **ARTICLE I.**

6 **Commission Purpose, Function and Bylaws**

7 ***Section 1. Purpose***

8 Pursuant to the terms of the Recognition of Emergency Medical Services (EMS)
9 Personnel Licensure Interstate Compact (the "Compact"), The Interstate
10 Commission for EMS Personnel Practice (the "Commission") is established as a body
11 corporate to fulfill the objectives of the Compact through a means of joint
12 cooperative action among the Member States: to develop a comprehensive process
13 that complements the existing licensing and regulatory authority of the State EMS
14 Authority and extends to EMS personnel a Privilege to Practice across state
15 boundaries in Member States, thereby providing immediate legal recognition to EMS
16 personnel and ensuring the safety of patients.

17 ***Section 2. Functions.***

18 In pursuit of the fundamental objectives set forth in the Compact, the Commission
19 shall, as necessary or required, exercise all of the powers and fulfill all of the duties
20 as provided by the Compact. The Commission's activities shall include, but are not
21 limited to, the following: the promulgation of binding rules and operating
22 procedures; equitable distribution of the costs, benefits and obligations of the
23 Compact among the Member States; enforcement of Commission Rules, Operating
24 Procedures and Bylaws; provision of dispute resolution; sharing of licensure history
25 of Member State EMS personnel and coordination of significant investigatory
26 information; and the collection and dissemination of information concerning the
27 activities of the Compact, as provided by the Compact, or as determined by the
28 Commission to be warranted by, and consistent with, the objectives and provisions
29 of the Compact. The provisions of the Compact shall be reasonably and liberally
30 construed to accomplish the purposes and policies of the Compact.

31 ***Section 3. Bylaws.***

32 As required by the Compact, these Bylaws shall govern the management and
33 operations of the Commission. As adopted and subsequently amended, these Bylaws
34 shall remain at all times subject to, and limited by, the terms of the Compact.

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ARTICLE II.

Membership

The Commission Membership shall be comprised as provided by the Compact. Each Member State shall have and be limited to one appointed voting representative. The appointees shall be the Commissioners of the Member States. Each Member State shall forward the names of its Commissioners to the Commission chairperson. The Commission chairperson or their designee shall promptly advise the State EMS Authority of the Member State of the need to appoint a new Commissioner whenever a vacancy occurs.

ARTICLE III.

Officers

Section 1. Election and Succession.

The officers of the Commission shall include a chairperson, vice chairperson, secretary and treasurer. The officers shall be duly appointed Commissioners. Officers shall be elected by the Commission at the annual meeting or any special meeting as provided by the bylaws. Except as provided in this section, elected officers shall serve for two years or until their successors are elected by the Commission. The vice-chairperson and secretary shall serve an initial term of one year. The chairperson and treasurer shall serve an initial term of two years. Thereafter, all terms shall be two years. At the end of their term, officers are eligible for re-election. The elected officers shall serve without compensation or remuneration, except as provided by the Compact.

Section 2. Removal of Officers.

Any officer may be removed from office by a majority vote of the Commission.

Section 3. Duties

The officers shall perform all duties of their respective offices as provided by the Compact and these Bylaws. Such duties shall include, but are not limited to, the following:

Chairperson. The chairperson shall call and preside at all meetings of the Commission and in conjunction with the Executive Committee, the chairperson shall prepare agendas for such meetings. The chairperson shall make appointments to all committees of the Commission, and, in accordance with the Commission's directions, or subject to ratification by the Commission, shall act on the Commission's behalf during the interims between Commission meetings as delegated by the Commission.

1 ***Vice Chairperson.*** The vice chairperson shall, in the absence or at the direction of
2 the chairperson, perform any or all of the duties of the chairperson. In the event of a
3 vacancy in the office of chairperson, the vice chairperson shall serve as acting
4 chairperson until a new chairperson is elected by the Commission.

5 ***Secretary.*** The secretary shall keep minutes of all Commission meetings and shall
6 act as the custodian of all documents and records pertaining to the status of the
7 Compact and the business of the Commission.

8 ***Treasurer.*** The treasurer, shall act as custodian of all Commission funds and shall
9 be responsible for monitoring the administration of all fiscal policies and
10 procedures set forth in the Compact or adopted by the Commission. Pursuant to the
11 Compact, the treasurer shall execute such bond as may be required by the
12 Commission covering all officers, Commissioners and Commission personnel, as
13 determined by the Commission, who may be responsible for the receipt,
14 disbursement, or management of Commission funds.

15 ***Section 4. Costs and Expense Reimbursement.***

16 Subject to the availability of budgeted funds, the officers shall be reimbursed for any
17 actual and necessary costs and expenses incurred by the officers in the performance
18 of their duties and responsibilities as officers of the Commission.

19 ***Section 5. Vacancies***

20 Upon the resignation, removal, or death of an officer of the Commission before the
21 next annual meeting of the Commission, a majority of the Executive Committee shall
22 appoint a successor to hold office for the unexpired portion of the term of the officer
23 whose position shall so become vacant or until the next regular or special meeting of
24 the Commission at which the vacancy is filled by majority vote of the Commission,
25 whichever first occurs.

26 **ARTICLE IV.**

27 **Commission Offices and Personnel**

28 ***Section 1. Commission Staff and Offices.***

29 Contractual arrangements may be made with a professional management firm to act
30 or serve as an authorized agent on behalf of the Commission. The management firm
31 must be approved by the Commission and serves under a contract that is legal and
32 binding under law. The Commission may contract for administrative and
33 management functions and tasks that further the purposes and objectives of the
34 Compact but that do not replace the powers of the Commission as delineated by
35 these bylaws. The management firm designates one professional employee as
36 executive director. The executive director an ex-officio member of the Commission
37 without voting rights.

1 A. Operations: The Executive Committee oversees management firm operations and,
2 from time to time, receives reports on the administration of the organization.

3 B. Obligation: The management firm must be bonded if the person or firm performs
4 any fiduciary or financial functions on behalf of the Commission.

5 C. Meeting Attendance: The executive director is required to attend the Commission
6 meetings and present reports of activities carried out on behalf of the Commission.

7 **ARTICLE V.**

8 **Qualified Immunity, Defense and Indemnification**

9 The members, officers and authorized agents such as an executive director, other
10 personnel acting on behalf of the Commission shall be immune from suit and
11 liability, either personally or in their official capacity, for any claim for damage to or
12 loss of property or personal injury or other civil liability caused by or arising out of
13 any actual or alleged act, error or omission that occurred, or that the person against
14 whom the claim is made had a reasonable basis for believing occurred within the
15 scope of Commission employment, duties or responsibilities; provided that nothing
16 in this paragraph shall be construed to protect any such person from suit and/or
17 liability for any damage, loss, injury, or liability caused by the intentional or willful
18 or wanton misconduct of that person.

19 The Commission shall defend any member, officer and other authorized agent of the
20 Commission in any civil action seeking to impose liability arising out of any actual or
21 alleged act, error, or omission that occurred within the scope of Commission
22 employment, duties, or responsibilities, or that the person against whom the claim
23 is made had a reasonable basis for believing occurred within the scope of
24 Commission employment, duties, or responsibilities; provided that nothing herein
25 shall be construed to prohibit that person from retaining his or her own counsel;
26 and provided further, that the actual or alleged act, error, or omission did not result
27 from that person's intentional or willful or wanton misconduct.

28 The Commission shall indemnify and hold harmless any member, officer and other
29 authorized agent of the Commission for the amount of any settlement or judgment
30 obtained against that person arising out of any actual or alleged act, error or
31 omission that occurred within the scope of Commission employment, duties, or
32 responsibilities, or that such person had a reasonable basis for believing occurred
33 within the scope of Commission employment, duties, or responsibilities, provided
34 that the actual or alleged act, error, or omission did not result from the intentional
35 or willful or wanton misconduct of that person.

36 **ARTICLE VI.**

37 **Meetings of the Commission**

1 ***Section 1. Meetings and Notice.***

2 The Commission shall meet at least once each calendar year at a time and place to
3 be determined by the Commission. Commissioners may participate in meetings by
4 telephone or other means of virtual participation. Additional meetings may be
5 scheduled at the discretion of the chairperson, and must be called upon the request
6 of a majority of Commissioners, as provided by the Compact. All Commissioners
7 shall be given written notice of Commission meetings at least thirty (30) days prior
8 to their scheduled dates. A (60) day written notice shall be given when proposed
9 rules will be considered and voted on by the Commission. Final agendas shall be
10 provided to all Commissioners no later than ten (10) days prior to any meeting of
11 the Commission. Thereafter, additional agenda items requiring Commission action
12 may not be added to the final agenda. Discussion items not requiring action may be
13 added to the agenda at any time upon a majority vote of the Commissioners.

14 All Commission meetings shall be open to the public except as set forth in the
15 Compact Section 10, B, 5. Public notice will be made to announce the meeting at
16 least 30 days prior to any meeting.

17 A meeting may be closed to the public where the Commission determines by two-
18 thirds (2/3rds) vote of Commissioners that there exists at least one of
19 the conditions for closing a meeting, as provided by the Compact.

20

21 ***Section 2. Quorum.***

22 A majority of Commissioners shall constitute a quorum for the transaction of
23 business, except as otherwise required in these bylaws. The presence of a quorum
24 must be established before any vote of the Commission can be taken.

25 ***Section 3. Voting.***

26 Each Commissioner is entitled to one vote. A Commissioner shall vote on such
27 member's own behalf and shall not delegate such vote to another Commissioner.
28 Except as otherwise required by the Compact or these Bylaws, any question
29 submitted to a vote of the Commission shall be determined by a simple majority.

30 ***Section 4. Procedure.***

31 Matters of parliamentary procedure not covered by these bylaws shall be governed
32 by Robert's Rules of Order.

33 ***Section 5. Public Participation in Meetings.***

34 With the exception as written under Section 12 of the Compact, upon prior written

1 request to the Commission, any person who desires to present a statement on a
2 matter that is on the agenda shall be afforded an opportunity to present an oral
3 statement to the Commission at a time designated on the meetings agenda.
4 Commission meetings will have a designated time for public comment on items not
5 on the agenda. The chairperson may limit the time and manner of any such
6 statements.

7 The chairperson may, depending on the circumstances, afford any person who
8 desires to present a statement on a matter that is on the agenda an opportunity to
9 be heard absent a prior written request to the Commission. The chairperson may
10 limit the time and manner of any such statements at any open meeting and at the
11 beginning of the meeting.

12 **ARTICLE VII.**

13 **Committees**

14 ***Section 1. Executive Committee.***

15 The Commission may establish an Executive Committee which shall be empowered
16 to act on behalf of the Commission during the interim between Commission
17 meetings, except for rulemaking or amendment of the Compact or these bylaws. The
18 Executive Committee shall be composed of all officers of the Commission, the
19 immediate past chairperson and one member At-Large. A Commissioner-At-Large
20 will be elected by the membership of the Commission as a whole to an initial two-
21 year term. The At-Large position will be elected concurrent with the chairperson
22 and Treasurer.

23 The immediate past chairperson is a non-voting member of the Executive
24 Committee. The procedures, duties, budget, and tenure of such an Executive
25 Committee shall be determined by the Commission. The power of such an Executive
26 Committee to act on behalf of the Commission shall be subject to any limitations
27 imposed by the Compact. Public notice of all Executive Committee meetings must be
28 made at least three (3) days prior to the meeting date and the meeting agenda must
29 be made public 24 hours prior to the meeting date.

30 ***Section 2. Committees.***

31 The Commission may establish such Committees as it deems necessary to advise it
32 concerning the fulfillment of its objectives, which may include but not be limited to a
33 Budget-Finance Committee, Technology Committee, Bylaws and Rules Committee
34 and Communications and Education and Training Committee. The composition,
35 procedures, duties, budget and tenure of such committees shall be determined by
36 the Commission. The Commission may dissolve any committee it determines is no
37 longer needed.

1 **ARTICLE VIII.**

2 **Finance**

3 ***Section 1. Fiscal Year.***

4 The Commission's fiscal year shall begin on July 1 and end on June 30.

5 ***Section 2. Budget.***

6 The Commission shall operate on an annual budget cycle and shall, in any given
7 year, adopt budgets for the following fiscal year or years as provided by the
8 Compact.

9 ***Section 3. Accounting and Audit.***

10 The Commission will arrange for an independent audit or financial review at least
11 once a year or as required by the Compact. The results of the audit or financial
12 review are presented as part of the Treasurer's report during the annual meeting of
13 the Commission.

14 The Commission's internal accounts, any documents related to any internal audit,
15 and any documents related to the independent audit shall be confidential; provided,
16 that such materials shall be made available:

17 i) in compliance with the order of any court of competent jurisdiction;

18 ii) pursuant to such reasonable rules as the Commission shall promulgate; and

19 iii) to any Commissioner of a Member State, or their duly authorized
20 representatives.

21 ***Section 4. Debt Limitations.***

22 The Commission shall monitor its own and its committees' affairs for compliance
23 with all provisions of the Compact, its rules, and these bylaws governing the
24 incursion of debt and the pledging of credit.

25 ***Section 5. Travel Reimbursements.***

26 Subject to the availability of budgeted funds and unless otherwise provided by the
27 Commission, Commissioners shall be reimbursed for any actual and necessary
28 expenses incurred pursuant to their attendance at all duly convened meetings of the
29 Commission or its committees as provided by the Compact.

30 **ARTICLE IX**

1 **Withdrawal, Default and Termination**

2 Member States may withdraw from the Compact only as provided by the Compact.
3 The Commission may terminate a Member State as provided by the Compact.

4 **ARTICLE X**

5 **Adoption and Amendment of Bylaws**

6 Any bylaw may be adopted, amended or repealed by a majority vote of
7 Commissioners, provided that written notice and the full text of the proposed action
8 is provided to all Commissioners at least thirty (30) days prior to the meeting at
9 which the action is to be considered. Failing the required notice, a two-third
10 (2/3rds) majority vote of Commissioners shall be required for such action.

11 **ARTICLE XI**

12 **Dissolution of the Compact**

13 The Compact shall dissolve effective upon the date of the withdrawal or the
14 termination by default of a Member State which reduces Membership in the
15 Compact to one Member State as provided by the Compact.

16 Upon dissolution of the Compact, the Compact becomes null and void and shall be of
17 no further force or effect, and the business and affairs of the Commission shall be
18 concluded in an orderly manner and according to applicable law. Each Member
19 State in good standing at the time of the Compact's dissolution shall receive a pro
20 rata distribution of surplus funds based upon a ratio, the numerator of which shall
21 be the amount of its last paid annual assessment, and the denominator of which
22 shall be the sum of the last paid annual assessments of all Member States in good
23 standing at the time of the Compact's dissolution. A Member State is in good
24 standing if it has paid its assessments timely.

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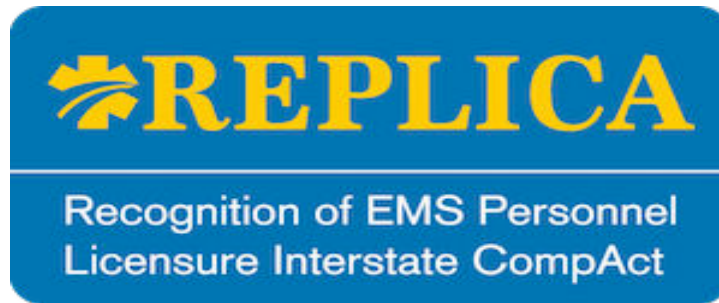
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REPLICA

Questions and Answers

updated 4/13/2018

To keep interested stakeholders informed, the members of REPLICA's Interstate Commission for EMS Personnel Practice are pleased to provide the following answers to questions that we have received since the EMS Compact was considered. We will update this document as other questions are asked about the Compact and the Commission. Please return to this website occasionally as this document will be updated at <http://www.emsreplica.org/tool-kit/>.

Thank You for your ongoing Support!

A handwritten signature in blue ink, which appears to read "Joseph W. Schmider".

Joseph W. Schmider
Chairman, Interstate Commission for EMS
Personnel Practice

Question: Can I cross state lines today (April 2018) on a privilege to practice under the REPLCA?

Answer: No. At this point, REPLICA is NOT active for licensed EMS personnel to cross state lines under the authority of the Compact to provide medical care. The Commission must adopt rules related to the functions of the Compact in order for the Compact to become fully operational.

The Interstate Commission for EMS Personnel Practice has officially assembled, adopted bylaws and Chapter One: Rule on Rulemaking. An Executive Committee and Rules Committee have been established. The Commission members are actively working on developing the rules and policies necessary to make the Compact operational.

Notices for Commission meetings, proposed rulemaking and all related activities are available through REPLICA states as well as at <http://www.emsreplica.org/commission/>.

Question: Does REPLICA only benefit large private entities and the federal government?

Answer: REPLICA provides a privilege to practice in authorized circumstances to all EMS personnel in member states. It is not limited to one type of service model or built to benefit one type of EMS provider and their personnel over another. The Compact language was drafted by representatives from air and ground, career and volunteer, private for-profit and non-profit EMS representatives, fire based, state EMS Officials and federal partners. Specifically, the following organizations had seats on the Compact's Drafting Team and these representatives worked to build REPLICA.

- The National Association of State EMS Officials
- Council of State Governments
- Association of Air Medical Services
- International Association of Flight and Critical Care Paramedics
- International Association of Firefighters
- National Association of EMS Managers
- National Association of EMT's
- Vedder Price Law Firm

Question: Was it the Department of Homeland Security's (DHS) intent for this project to enable unscheduled or emergency movement in relation to law enforcement and/or homeland security and not include routine movement?

Answer: DHS was aware that providing a means of immediate legal recognition of personnel extended far beyond the boundaries of their own agency and funded this initiative as a means of providing a solution for all rational scenarios for the entire EMS industry.

Question: The language in the bill states it is "Intended to facilitate day-to-day movement." Therefore, shouldn't the enabling legislation be isolated to day-to-day response to emergencies, as requested by, or in support of, federal, state, and local authority?

Answer: Emergency Medical Services (EMS) licenses are issued to EMS personnel regardless of what type of responses they perform while on the job. It is no less important to assure that the EMS personnel are accessible, operating with a legally sound and formally executed means of recognition regardless of emergency versus non-emergency nature of the request for assistance.

The National Advisory Panel (NAP) and Drafting Team acknowledged there was another condition, i.e., “in anticipation of an emergency.” Sentiments were unanimous that when EMS personnel are requested to cross a state border they shouldn’t have to stop and classify the incident to know whether it they would be legal or not.

Question: Have State EMS offices budgeted for REPLICA?

Answer: Currently, there **are no fees for REPLICA**. The Compact allows for the levy of a fee when it is determined that a fee is necessary. In December 2017, the National Registry of Emergency Medical Technicians (NREMT) submitted two proposals to the Commission, one to support the Coordinated Database and one to provide administrative support to the Commission. The support from the NREMT, a not-for-profit corporation, has been significant in that it has alleviated any immediate need for funding through, a levy. In the first year of the Compact, associated costs have been those related to participation in the Commission. The Commission has conducted much of its regular business via conference call or through online meetings. The Commission has successfully scheduled those few meetings requiring travel in conjunction with other events to achieve economy of scale for participating states.

A “Funding Assistance Guide” was published by the National Association of State EMS Officials (NASEMSO) in 2016. This guide lists the various funding resources supporting state EMS offices budgets including in-state revenue streams. According to this guide EMS personnel licensure fees comprise 5% or less of their annual EMS office budgets.

Question: Can the Commission pass rules and regulations that impact states without providing for public comment unless requested even though it will use public funds to operate?

Answer: No. REPLICA Section 12 “*Rulemaking*”, outlines in detail the public process utilized for public comment in writing, reviewing, and adopting rules. This section also outlines how a public hearing can be easily requested. The Commission is comprised of one voting representative from each of the member states who will participate in deliberations, decisions and rulemaking. Similar to many states’ current rulemaking processes, the Commission Rules Committee will draft and publish any proposed rule language for public comment.

Question: Could REPLICA compromise the quality of patient care and services to the communities in member states?

Answer: There is no evidence to support that REPLICA would compromise the quality of care for patients. REPLICA brings an umbrella over quality that has not previously existed between some states including:

- REPLICA requires all Emergency Medical Technicians, (EMTs), Advanced EMTs (AEMT) and Paramedics working across state lines to have passed a common, standardized, and educationally sound 'fitness test' for EMS licensure and to meet the current educational and performance standards in their home state.
- REPLICA requires all EMS personnel exercising the 'privilege to practice' in a remote state to function under a defined scope of practice and under the supervision of a physician medical director.
- REPLICA increases safety for patients and EMS coworkers by ensuring that member states utilize Federal Bureau of Investigation (FBI) compliant background checks with biometric data*.
- REPLICA reduces the potential for medical errors by authorizing EMS personnel to work under their home state scope of practice.
- REPLICA member states' EMS licensing authority will have access to a national, EMS personnel Coordinated Database. State EMS Officials will have the ability to rapidly share licensure history of personnel for the first time in our profession.

Furthermore, under Section 8. "*Adverse Actions*," if an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored. This is based on home state laws and rules understanding that there are differences between states, including in the area of what constitutes a felony and, or a misdemeanor. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

* No later than five years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with US CFR §731.202 and submit documentation of such as promulgated in the rules of the Commission; (See Section 3, C., 4. of the Compact.)

Question: Does the Compact exempt EMS agencies or their ambulances from having to be licensed in a remote state?

Answer: The issue that exists *today* with EMS crossing state borders is a twofold problem: the personnel must be licensed and the agency or vehicle must be licensed. The Compact is designed to help resolve one of the two issues; the licensing of personnel. The Compact **expects** that EMS agencies and their vehicles will be properly licensed in states where they are crossing state lines. Specifically, Section 15. "*Construction and Severability*" of the Compact states "Nothing in this compact

supersedes state law or rules related to licensure of EMS agencies.” That very last sentence in the Compact assures each state’s authority to hold ambulance services accountable to the agency licensure process, state by state, as they do today.

Additionally, it is important to remember that EMS personnel are often requested to cross state lines in circumstances in which they function *without* an ambulance, for example, wildland fire response teams, search and rescue efforts, or special events.

Question: Could REPLICA be a threat to EMS jobs and wages?

Answer: There is no evidence that interstate compacts reduce wages despite the long-standing existence of interstate compacts in other professions such as nurses, physicians and physical therapists.

Question: Does REPLICA allow for and/or encourage EMS personnel to self-deploy to disaster events?

No. Under Section 5. “*Conditions of Practice in a Remote State*” the Compact expressly states “An individual may practice in a remote state under a privilege to practice only in the performance of the individual’s EMS duties as assigned by an appropriate authority.” EMS Personnel need to function within the Compact’s authority in order to be covered by the protections it offers. EMS state offices will now have a way to hold EMS personnel accountable in these situation as well as to know who is practicing within their state and that they meet the member states standards.

Question: Do EMS personnel have to hold National Registry certification to participate in the Compact?

Answer: No. For states to be eligible to join the Compact, they must use the NREMT for ***initial*** licensure at the EMT and Paramedic levels. Only requirements for initial licensure are within the authority of the Compact. The Compact ***does not*** require that an individual maintain certification through the NREMT. EMS personnel eligibility includes being 18 years of age, and licensure in your home state as an EMT, AEMT or Paramedic. That license must be in good standing, and EMS personnel must be working under the supervision of a Medical Director. States retain their authority to determine requirements for licensure or certification renewal which may or may not include maintaining certification through the NREMT.

Question: As members of the Interstate Commission for EMS Personnel Practice are not elected officials does this lessen their accountability to the public?

Answer: Commissioners are public officials and are generally members of the executive branch of state government. As the Commission is a public body, Commissioners are accountable to the public. REPLICA clarifies that “the responsible official of the state EMS authority or his designee shall be the delegate to this compact for each member state.” Therefore, the Compact delegate is a public official and accountable to both their home state executive branch leadership, EMS community and the general public.

Question: Is it possible that REPLICA does not address worker safety or radio interoperability?

Answer: These issues are outside the scope of REPLICA and are best addressed in a variety of other federal, state, and local pieces of legislation. It is the goal of the Commission to ensure a safe workforce, no matter on where they are providing EMS.

Question: Are members of the Interstate Commission for EMS Personnel Practice granted more immunity through the Compact?

Answer: No. Members of the Commission have the same level of immunity that applies in their state position. REPLICA legislation extends this immunity to their role as a Compact delegate but does not expand the immunity.

The qualified immunity doctrine protects government officials from liability for civil damages "insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known."

Question: Does REPLICA in its current form make government bigger and more bureaucratic?

Answer: Interstate Compacts have long been seen as a way to lessen, not increase, the burdens of government regulations while upholding common standards and public protections. Compact member states share in the responsibilities of managing cross-border activities instead of each state individually addressing the same issue in a different manner. Interstate Compacts address issues of concern to the federal government between its member states instead of inviting the federal government to intervene.

Question: Will REPLICA allow private entities or rival organizations to position resources near state borders to compete or access multiple communities?

Answer: REPLICA provides a mechanism for qualified EMS *personnel* to cross state borders in authorized circumstances. States retain their existing authority to determine when REPLICA is applicable, and when an individual is required to be licensed within a state. The REPLICA legislation prohibits the Interstate Commission

for EMS Personnel Practice from writing rules or interfering with EMS agency licensure. Ambulance services are expected to be licensed in states that they transport patients to and/or from, and EMS agencies are required to follow the licensure requirements for the state(s) in which they operate.

Question: There is no definition of an “appropriate authority”?

Answer: The REPLICA legislation addresses this in the opening paragraph of Section 5. “*Conditions of Practice in a Remote State*”, (line 130), notes that “an appropriate authority” is followed by the phrase “as defined in the rules of the Commission.” Since the list of possible authorities is anticipated to be long and varied (from state EMS offices to local Incident Commanders), this level of detail and the ongoing changes that will be required is more properly contained in the rulemaking process by representatives from member states.

Question: Could the Commission over time be able to pass rules and impact state rights?

Answer: No, the Commission can write rules only related to the Compact operations and does so through a public process, including public comment, and the availability of public hearings.

Question: REPLICA states that it will “enhance the states’ ability to protect the public’s health and safety, especially patient safety. Are there controls over the quality of providers, service or agency, and measures that a providing agency is licensed or regulated in a remote state?”

Answer: Yes, REPLICA brings member states under an umbrella of accountability and quality controls not previously seen in our profession. These include the sharing of a common standard for testing and an FBI compliant background check at the time of initial licensure, access to a Coordinated Database which includes licensure history on personnel from member states, requiring that personnel have medical direction in their home states and allowing for the utilization of home state protocols

Question: A Commission is a “body politic,” a group of people that is politically organized under a single government authority. What is the single government authority for this agency to be organized under?

Answer: Interstate compacts are empowered under the United States Constitution (Article 1, Section 10, Clause 3). A compacts commission is the government authority which is informed by the collective authority of the member states and is charged with promulgation of rules. Upon activation, REPLICA will join over 200 other governmental commissions or administrations of interstate compacts already in place, organized and provided the same authority to their compact. The Interstate

Commission for EMS Personnel Practice will be comprised of one representative from each member state's authority responsible for EMS, with one vote.

Question: By instituting an immunity clause for unelected officials is there a way to insure quality controls or the manner in which commissioners can be held accountable?

Answer: Commissioners will be state employees who already have immunity due to their governmental employment. As such, they are and will be held accountable for their work on the Commission by the state leadership that appointed them to the Commission.

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Recognition of EMS Personnel
Licensure Interstate CompAct

The National Association of
State EMS Officials and the
Interstate Commission for
EMS Personnel Practice
Presents:



WEBINAR

Interstate Compacts and EMS: History, Progress, and Future

June 4, 2018

1:00 p.m.-2:15 p.m. EDT

The Recognition of EMS Personnel Licensure Interstate CompAct (REPLICA) is the collective solution to cross-border licensing issues impacting states, state EMS offices, EMS personnel and patients for years. With the enactment of REPLICA, EMS has joined the ranks of other healthcare professional licensure compacts such as physicians, nurses, and physical therapists in the management and proper legal protection of cross-border practice.

Join us for this webinar and learn:

- Why and how REPLICA was built?
- The evolution, authority, and application of Interstate Compacts.
- The role of the Interstate Commission for EMS Personnel Practice.

Panel Members:

Rick Masters

*Special Counsel,
National Center for
Interstate Compacts*

Sue Prentiss

Advocate, REPLICA

Joe Schmider

*Chair,
Interstate Commission for
EMS Personnel Practice*

Drew Dawson

*Interim Executive
Director
National Registry of EMT's*

To Register:

<https://attendee.gotowebinar.com/register/5912585686137971202>

Questions? Contact Sue Prentiss at Prentiss@emsreplica.org