

1                   **Recognition of Emergency Medical Services Personnel**  
2                   **Licensure Interstate Compact (REPLICA)**

3  
4                   **Rules for the Interstate Commission for Emergency Medical**  
5                   **Services (EMS) Personnel Practice**

6  
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8   **Drafted:**                               January 23, 2019

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10   **Effective:**                            XXXX, XX, 2019

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12   **Amended:**

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14   **History of Rule:**                    Introduced for public hearing on XXXX, XX, 2019  
15   Public hearing on XXXX, XX, 2019

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17   **SECTION 1. Purpose and Authority**

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

23  
24   **SECTION 2. Definitions**

25   For the purposes of the rules adopted by the Interstate Commission for Emergency Medical  
26   Services Personnel Practice, the following definitions shall apply:

27  
28   **2.0 “Adverse Action”** means any administrative, civil, equitable or criminal action permitted by  
29   a state’s laws which may be imposed against licensed EMS personnel by a state EMS authority  
30   or state court, including, but not limited to, actions against an individual’s license such as  
31   revocation, suspension, probation, consent agreement, monitoring or other limitation or  
32   encumbrance on the individual’s practice, letters of reprimand or admonition, fines, criminal  
33   convictions and state court judgments enforcing adverse actions by the state EMS authority.

34  
35   **2.1 “Commission”** means: the national administrative body of which all states that have enacted  
36   the Compact are members.

37  
38   **2.2 “Commissioner”** means: as the appointed delegate from each state as described in Section  
39   10.B.1. of the Compact.

40  
41   **2.3 “Compact”, hereinafter “the Compact”** means the Recognition of Emergency Medical  
42   Services Personnel Licensure Interstate Compact (REPLICA).

43  
44   **2.4 “Compact Data Participation Agreement”** means the agreement established between the  
45   Commission and the Coordinated Database Administrator.

46  
47 **2.5 “Conditions of Practice”** means the circumstances under which an individual is authorized  
48 to practice in a remote state under a privilege to practice.  
49  
50 **2.6 “Coordinated Database”** means the information system established and maintained by the  
51 Commission as set forth in the compact.  
52  
53 **2.7 “Coordinated Database Administrator”** means the contractor, person or employee named  
54 by the Commission to provide oversight and management of the coordinated database.  
55  
56 **2.8 “EMS Agency”** means an organization that is authorized by a state EMS authority to operate  
57 an air ambulance service, ambulance service, or non-transport service.  
58  
59 **2.9 “License”** means: the authorization by a state for an individual to practice as an EMT,  
60 AEMT, Paramedic, or a level in between EMT and Paramedic.  
61  
62 **2.10 “Member State”** means: a state that has enacted this Compact.  
63  
64 **2.11 “Notify the Commission”** means communication whether written, verbal or through  
65 submission of information through the coordinated database. For the purposes of these rules,  
66 submission of information to the coordinated database shall be deemed to have satisfied any  
67 requirements under the Compact to a home state or member state. Nothing in the Commission  
68 rules shall be construed as prohibiting the sharing of information directly between member  
69 states, assuming all other requirements for submission to the coordinated database are satisfied.  
70  
71 **2.12 “Non-Member State”** means a state, territory or jurisdiction of the United States that has  
72 not enacted the Compact.  
73  
74 **2.13 “Privilege to Practice”** means: an individual’s authority to deliver emergency medical  
75 services in remote states as authorized under this compact.  
76  
77 **2.14 “Restricted Privilege to Practice status”** means: The individual has limitations on any  
78 home state license or has a criminal history background check reported as “findings” per section  
79 **11.7(c)** of these rules.  
80  
81 **2.15 “Revoked Privilege to Practice status”** means: The individual’s license in any home state  
82 is revoked.  
83  
84 **2.16 “Rule”** means: a written statement by the Interstate Commission promulgated pursuant to  
85 Section 12 of this Compact that is of general applicability; implements, interprets, or prescribes a  
86 policy or provision of the Compact; or is an organizational, procedural, or practice requirement  
87 of the Commission and has the force and effect of statutory law in a member state and includes  
88 the amendment, repeal, or suspension of an existing rule.  
89  
90 **2.17 “State”** means: any state, commonwealth, district, or territory of the United States.  
91

92 **2.18 “Subject”** means an individual who is under investigation by a state EMS authority for  
93 alleged misconduct.

94  
95 **2.19 “Suspended Privilege to Practice status”** means: The individual’s license to practice has  
96 temporarily removed by a home state.

97  
98 **2.20 “Unrestricted Privilege to Practice status”** means: The individual has no limitations on  
99 any home state license and has a criminal history background check reported as “qualified” per  
100 section 11.7(a) of these rules.

101  
102 **SECTION 3. Not Used**

103  
104 **SECTION 4. Privilege to Practice**

105 **4.0 Recognition of privilege to practice.** A remote state shall recognize the privilege to  
106 practice of an individual who is licensed in another home state, provided that:

107  
108 (a) the home state complies with section 3 of the Compact; and

109  
110 (b) the individual is performing EMS duties that are assigned by an EMS agency that is  
111 duly authorized in the remote state (for purposes of this section, such duties shall include  
112 the individual's travel to, from and between the location(s) in the remote state at which  
113 the individual's assigned EMS duties are to be performed); and

114  
115 (c) the results of the individual’s criminal history background check are documented by  
116 all home states where the individual is licensed as qualified (per section 11.7(a) of these  
117 rules); and

118  
119 (d) the individual has an unrestricted license issued by the home state wherein the EMS  
120 agency for which the individual is practicing in the remote state; and

121  
122 (e) the individual’s privilege to practice has not been restricted or revoked by any  
123 member state (except as provided in section 4.2 of these rules).

124  
125 **4.1 Notification of privilege to practice status**

126  
127 (a) Home states shall notify the Commission of the privilege to practice status for each  
128 individual licensed by the home state to the Commission as described in section 11.4 of  
129 these rules as unrestricted, restricted, suspended or revoked.

130  
131 (b) When a home state restricts, suspends, or revokes an individual’s license, the home  
132 state shall notify the Commission of the individual’s eligibility to request restoration of  
133 the privilege to practice on the adverse action order as:

134 (i) Eligible for privilege to practice restoration. The home state EMS authority  
135 where the action was taken authorizes the individual to request reinstatement of the  
136 privilege to practice in remote states, or

137 (ii) Ineligible for privilege to practice restoration. The home state EMS authority  
138 where the action was taken does not authorize the individual to request reinstatement of  
139 the privilege to practice in remote states.  
140

141 **4.2 Restoration of privilege to practice.** The restoration of the privilege to practice shall only  
142 occur when:

143 (a) the home state license is restored or unrestricted; or

144 (b) the remote state restores the privilege to practice or removes the restriction of the  
145 privilege to practice; or

146 (c) the individual's privilege to practice is authorized by the home state and the remote  
147 state(s) wherein the individual desires to practice provided that the home state has  
148 indicated that the individual is eligible for restoration of the privilege to practice as stated  
149 in section 4.1(b) of these rules, and the remote state has established policies and  
150 procedures that an individual must follow to request restoration of the privilege to  
151 practice in that member state; and

152 (d) the individual whose license or privilege to practice in any member state is restricted,  
153 suspended, or revoked has submitted a request to each remote state wherein the  
154 individual wishes to have a privilege to practice.  
155

156 **4.3 Individuals licensed in non-reporting home states.** Individuals licensed in a home state  
157 that does not collect and submit all elements of the uniform data set are not eligible to practice in  
158 a remote state under the privilege to practice until the home state has submitted all elements of  
159 the uniform data set in the manner prescribed by the Commission.  
160

161 **4.4 Scope of practice.** An individual providing patient care in a remote state under the privilege  
162 to practice shall function within the scope of practice authorized by his or her home state unless  
163 or until modified by the appropriate authority in the remote state.  
164

165 (a) Each member state EMS authority that chooses to modify the scope of practice of  
166 individuals who are functioning in the state under a privilege to practice must publish the  
167 specific modifications as described in these rules.  
168

169 (b) If the statutes and rules in the remote and home states allow further modification of  
170 the scope of practice, an EMS agency may further modify an individual's scope of  
171 practice.  
172

173 (c) If the EMS authority of the member state in which patient care is provided specifies a  
174 scope of practice that the EMS agency must follow, the individual will follow the scope  
175 of practice for the EMS agency for which the individual is providing patient care.  
176

177 **4.5 Notification.** A member state must notify the Commission of any scope of practice  
178 modifications or limitations that the EMS authority of the member state has enacted for  
179  
180  
181  
182

183 individuals (from another member state) providing patient care in the state under the privilege to  
184 practice.

185  
186 **4.6 Publication of scope of practice.** The Commission shall publish the scope of practice  
187 limitations and modifications for all member states in the Commission’s standards manual that is  
188 incorporated in these rules.

189  
190 (a) Updates to the standards manual will be published each year on July 1.

191  
192 (b) The standards manual will be made available on the Commission website.

193  
194 **4.7 Individual responsibility.** An individual providing patient care in a remote state under the  
195 privilege to practice is responsible for adhering to the scope of practice modifications or  
196 limitations for that remote state as described in the most current version of the Commission’s  
197 standards manual.

198  
199 **SECTION 5. Not Used**

200  
201 **SECTION 6. Not Used**

202  
203 **SECTION 7. Not Used**

204  
205 **SECTION 8. Adverse Actions**

206 **8.0 Investigation.**

207  
208 (a) Member states may collaborate in investigating alleged individual misconduct.

209  
210 (b) In those cases where the subject is licensed by one or more member states and  
211 therefore has more than one home state, the responsibility for the investigation shall fall  
212 to the home state that licenses, certifies, commissions, or otherwise authorizes the agency  
213 or appropriate authority for which the subject was providing patient care when the  
214 alleged misconduct occurred.

215  
216 (c) Upon discovery that an individual is under investigation in another member state, the  
217 member state may contact the investigating member state and request investigative  
218 documents and information.

219  
220 (d) This section shall not be construed as limiting any member state’s authority to  
221 investigate any conduct within that state, or to investigate any licensee.

222  
223 **8.1 Reporting of adverse actions.**

224  
225 (a) A remote state that restricts, suspends or revokes an individual’s privilege to practice,  
226 shall notify the Commission as soon as possible, but no later than two (2) business days  
227 of the imposition of the adverse action.

228

229 (b) A home state that restricts or suspends an individual’s license shall notify the  
230 Commission as soon as possible, but no later than two (2) business days of the imposition  
231 of the adverse action and notify the individual in writing that the individual’s remote state  
232 privilege to practice is revoked.

234 (c) Member states are not required to report any other information regarding adverse  
235 actions and restrictions to the Commission other than what is available in the public  
236 record of the reporting member state though nothing herein shall prohibit a member state  
237 from sharing with another member state, or a non-member state, such additional  
238 information as the member state concludes is appropriate.

240 **SECTION 9. Not Used**

242 **SECTION 10. Coordinated Database – General**

243 **10.0 Method of data submission.** Member states shall submit the uniform data set described in  
244 section 11 of these rules to the coordinated database in accordance with the Compact Data  
245 Participation Agreement.

247 **10.1 Data ownership.** All data submitted by a member state to the coordinated database remains  
248 the property of the member state.

250 (a) Any use of the data other than that expressly allowed by the Commission is  
251 prohibited.

253 (b) A member state may designate member state information that may not be shared with  
254 the public without the express permission of the contributing state.

256 **10.2 Access to the coordinated database.** Member states shall have access to the uniform data  
257 set submitted by other member states.

259 **10.3 Implementation.** Member states that collect all elements of the uniform data set shall have  
260 thirty (30) days from the implementation of the coordinated database to provide the member  
261 state’s uniform data set to the coordinated database. Member states that do not collect one or  
262 more elements of the uniform data set at the effective date of these rules must have a plan to  
263 collect and submit the missing elements within XX months of the implementation date of the  
264 coordinated database.

266 **10.4 Maintenance of uniform data set.** The accuracy of information maintained in the  
267 coordinated database, to the extent it is possible, shall be the responsibility of member states.

269 **10.5 Correction of records.** In the event an individual asserts that the individual’s uniform data  
270 set information is inaccurate, the individual shall provide evidence in a manner determined by  
271 the individual’s home state that substantiates such claim. A home state shall verify and submit to  
272 the Commission an amendment to correct the uniform data set of an individual.

274 **SECTION 11. Coordinated Database - Uniform Data Set.** Member states must submit the  
275 following uniform data set to the coordinated database at the frequency indicated.

276  
277 **11.0 Identifying information.** The following information for each individual who is licensed  
278 must be reported within ten (10) business days of completion of licensure application process.  
279 Any changes must be reported within ten (10) business days of the change being processed by  
280 the member state.

- 281
- 282 (a) Full legal name (first, middle, last); and
- 283
- 284 (b) suffix (if applicable); and
- 285
- 286 (c) date of birth (month, day, year); and
- 287
- 288 (d) social security number.
- 289

290 **11.1 Licensure data.** The following information for each individual who is licensed in the  
291 member state must be reported within ten (10) business days of completion of licensure process.  
292 Any changes must be reported within ten (10) business days of the change being processed by  
293 the member state.

- 294
- 295 (a) State of licensure; and
- 296
- 297 (b) license level; and
- 298
- 299 (c) effective date of license; and
- 300
- 301 (d) expiration date of license; and
- 302
- 303 (e) license number; and
- 304
- 305 (f) license status (if applicable, i.e. inactive, temporary, etc.)
- 306

307 **11.2 Significant investigative information.** The following information must be reported as soon  
308 as possible, but no later than two (2) business days of the member state completing the  
309 preliminary inquiry:

- 310
- 311 (a) subject's identifying information as stated in section 11.0 of these rules; and
- 312
- 313 (b) summary description of the incident or act of misconduct; and
- 314
- 315 (c) declaration of the existence of a criminal investigation or pending criminal charges  
316 related to the incident or act of misconduct.
- 317

318 **11.3 Adverse actions imposed on an individual's license.** The following information must be  
319 reported as soon as possible, but no later than two (2) business days of imposition of the adverse

320 action. Any changes to the status of the adverse action must be reported as soon as possible, but  
321 no later than two (2) business days of the change being processed by the member state:

- 322 (a) subject's identifying information as stated in section 11.0 of these rules; and
- 323
- 324 (b) summary description of the incident or act of misconduct; and
- 325
- 326 (c) declaration of the existence of a criminal investigation or pending criminal charges
- 327 related to the incident or act of misconduct; and
- 328
- 329 (d) declaration of the action taken by the member state; and
- 330
- 331 (e) effective date of the action taken; and
- 332
- 333 (f) duration of the action.
- 334

335  
336 **11.4 Privilege to practice status.** The information as described in section 4.1 of these rules for  
337 each individual licensed by the member state must be reported within one (1) month of the  
338 effective date of the privilege to practice status. Any changes to the privilege to practice status  
339 must be reported as soon as possible, but no later than two (2) business days of the change being  
340 processed by the member state.

341  
342 **11.5 Non-confidential alternative program participation information.** To the extent allowed  
343 by a member state's laws, non-confidential information concerning an individual's participation  
344 in an alternative program will be reported.

345  
346 **11.6 Any denial of applications for licensure.** The following information must be reported  
347 within one month of the denial:

- 348
- 349 (a) applicant's identifying information as stated in section 11.0 of these rules; and
- 350
- 351 (b) summary of the reason for denial; and
- 352
- 353 (c) declaration of the existence of a criminal investigation or pending criminal charges
- 354 related to the denial; and
- 355
- 356 (d) declaration of the duration of the denial.
- 357

358 **11.7 Criminal history background check results.** Member states will indicate the status based  
359 on the background check as indicated in section 11.7(b)(i) through (iii) of these rules.

- 360
- 361 (a) No information received from the Federal Bureau of Investigation (FBI) relating to a
- 362 federal criminal records check performed by a member state under Public Law 92-544
- 363 will be shared or reported.
- 364
- 365 (b) The following information for all individuals licensed by the member state must be
- 366 reported within ten (10) business days of completion of the background check:

367  
368 (i) Qualified. The individual has no records of any criminal convictions in the  
369 criminal history background check; or  
370

371 (ii) Disqualified. The individual has record(s) of criminal conviction(s) in the  
372 criminal history background check that are disqualifying for licensure in that state; or  
373

374 (iii) Findings. The individual has record(s) of criminal conviction(s) in the  
375 criminal history background check that are not disqualifying for licensure in that state.  
376

377 **11.8 Other acts of misconduct or criminal convictions.** Individual acts of misconduct or  
378 criminal convictions that a member state becomes aware of, from sources other than the FBI  
379 background check that may result in action against an individual's license or privilege to practice  
380 in any member state must be reported as soon as possible, but no later than two (2) business days  
381 of discovery by the state making the discovery.  
382

## 383 **SECTION 12. Rulemaking**

384 **12.0 Proposed rules or amendments.** Proposed rules or amendments to the rules shall be  
385 adopted by majority vote of the members of the Commission. Proposed new rules and  
386 amendments to existing rules shall be submitted to the Commission office for referral to the rules  
387 committee as follows:  
388

389 (a) Any Commissioner may submit a proposed rule or rule amendment for referral to the  
390 rules committee during the next scheduled Commission meeting. This proposal shall be  
391 made in the form of a motion and approved by a majority vote of a quorum of the  
392 Commission members present at the meeting.  
393

394 (b) Standing committees of the Commission may propose rules or rule amendments by  
395 majority vote of that Committee.  
396

397 **12.1 Preparation of draft rules.** The rules committee shall prepare a draft of all proposed rules  
398 and provide the draft to all Commissioners for review and comments. Based on the comments  
399 made by the Commissioners the Rules Committee shall prepare a final draft of the proposed  
400 rule(s) or amendments for consideration by the Commission not later than the next Commission  
401 meeting.  
402

403 **12.2 Publication of draft rules.** Prior to promulgation and adoption of a final rule (in  
404 accordance with Section 12 of the Compact) the Commission shall publish the text of the  
405 proposed rule or amendment prepared by the rules committee not later than sixty (60) days prior  
406 to the meeting at which the vote is scheduled, on the official web site of the Commission and in  
407 any other official publication that may be designated by the Commission for the publication of  
408 its rules. All written comments received by the rules committee on proposed rules shall be posted  
409 on the Commission's website upon receipt. In addition to the text of the proposed rule or  
410 amendment, the reason for the proposed rule shall be provided.  
411

412 **12.3 Notification.** Each administrative rule or amendment shall state:  
413

- 414 (a) The place, time, and date of the scheduled public hearing;  
415  
416 (b) The manner in which interested persons may submit notice to the Commission of their  
417 intention to attend the public hearing and any written comments; and  
418  
419 (c) The name, position, physical and electronic mail address, telephone, and, telefax  
420 number of the person to whom interested persons may respond with notice of their  
421 attendance and written comments.  
422

423 **12.4 Public Hearings.** Every public hearing shall be conducted in a manner guaranteeing each  
424 person who wishes to comment a fair and reasonable opportunity to comment. In accordance  
425 with Section 12.H. of the Compact, specifically:  
426

427 (a) If a hearing is held on the proposed rule or amendment, the Commission shall publish  
428 the place, time, and date of the scheduled public hearing.  
429

430 (b) All persons wishing to be heard at the hearing shall notify the Chairperson of the  
431 Commission or other designated member in writing of their desire to appear and testify at  
432 the hearing not less than five (5) business days before the scheduled date of the hearing.  
433

434 (c) Hearings shall be conducted in a manner providing each person who wishes to  
435 comment a fair and reasonable opportunity to comment orally or in writing.  
436

437 (d) No transcript of the public hearing is required, unless a written request for a transcript  
438 is made; in which case the person or entity making the request shall pay for the transcript.  
439 A recording may be made in lieu of a transcript under the same terms and conditions as a  
440 transcript. This subsection shall not preclude the Commission from making a transcript or  
441 recording of the public hearing.  
442

443 (e) Nothing in this section shall be construed as requiring a separate hearing on each rule.  
444 Rules may be grouped for the convenience of the Commission at hearings required by  
445 this section.  
446

447 (f) Following the scheduled hearing date, or by the close of business on the scheduled  
448 hearing date if the hearing was not held, the Commission shall consider all written and  
449 oral comments received.  
450

451 (g) The Commission shall, by majority vote of a quorum of the Commissioners, take final  
452 action on the proposed rule and shall determine the effective date of the rule, if any,  
453 based on the rulemaking record and the full text of the rule.  
454

455 **12.5 Status of rules upon adoption of additional member states.** Any state that joins the  
456 Compact subsequent to the Commission's initial adoption of the rules shall be subject to the  
457 rules as they exist on the date on which the Compact becomes law in that state. Any rule that has  
458 been previously adopted by the Commission shall have the full force and effect of law on the day  
459 the Compact becomes law in that state.  
460

461 **12.6 Emergency Rulemaking.** Upon determination that an emergency exists, the Commission  
462 may consider and adopt an emergency rule that shall become effective immediately upon  
463 adoption, provided that the usual rulemaking procedures provided in the Compact and in this  
464 section shall be retroactively applied to the rule as soon as reasonably possible, in no event later  
465 than ninety (90) days after the effective date of the rule. An emergency rule is one that must be  
466 made effective immediately in order to:

- 467 (a) Meet an imminent threat to public health, safety, or welfare;
- 469 (b) Prevent a loss of federal or state funds;
- 471 (c) Meet a deadline for the promulgation of an administrative rule that is established by  
472 federal law or rule; or
- 474 (d) Protect public health and safety.

476 **SECTION 13. Not Used**

478 **SECTION 14. Not Used**

480 **SECTION 15. Not Used**

DRAFT