

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0595.01 Christy Chase x2008

HOUSE BILL 15-1015

HOUSE SPONSORSHIP

Winter, Lebsack

SENATE SPONSORSHIP

(None),

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE CREATION OF AN INTERSTATE COMPACT ALLOWING
102 STATES THAT ENTER THE COMPACT TO SHARE EMERGENCY
103 MEDICAL SERVICE PROVIDERS UNDER CERTAIN CIRCUMSTANCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill enacts and authorizes the governor to enter into an interstate compact with other states to recognize and allow emergency medical services (EMS) providers licensed in a compact member state to provide EMS in Colorado.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 AUTHORIZE STATE EMS OFFICES TO AFFORD IMMEDIATE LEGAL
2 RECOGNITION TO EMS PERSONNEL LICENSED IN A MEMBER STATE. THIS
3 COMPACT RECOGNIZES THAT STATES HAVE A VESTED INTEREST IN
4 PROTECTING THE PUBLIC'S HEALTH AND SAFETY THROUGH THEIR
5 LICENSING AND REGULATION OF EMS PERSONNEL AND THAT SUCH STATE
6 REGULATION SHARED AMONG THE MEMBER STATES WILL BEST PROTECT
7 PUBLIC HEALTH AND SAFETY. THIS COMPACT IS DESIGNED TO ACHIEVE THE
8 FOLLOWING PURPOSES AND OBJECTIVES:

- 9 1. INCREASE PUBLIC ACCESS TO EMS PERSONNEL;
- 10 2. ENHANCE THE STATES' ABILITY TO PROTECT THE PUBLIC'S
11 HEALTH AND SAFETY, ESPECIALLY PATIENT SAFETY;
- 12 3. ENCOURAGE THE COOPERATION OF MEMBER STATES IN THE
13 AREAS OF EMS PERSONNEL LICENSURE AND REGULATION;
- 14 4. SUPPORT LICENSING OF MILITARY MEMBERS WHO ARE
15 SEPARATING FROM AN ACTIVE DUTY TOUR AND THE SPOUSES OF MILITARY
16 MEMBERS;
- 17 5. FACILITATE THE EXCHANGE OF INFORMATION BETWEEN MEMBER
18 STATES REGARDING EMS PERSONNEL LICENSURE, ADVERSE ACTION, AND
19 SIGNIFICANT INVESTIGATORY INFORMATION;
- 20 6. PROMOTE COMPLIANCE WITH THE LAWS GOVERNING EMS
21 PERSONNEL PRACTICE IN EACH MEMBER STATE; AND
- 22 7. INVEST ALL MEMBER STATES WITH THE AUTHORITY TO HOLD
23 EMS PERSONNEL ACCOUNTABLE THROUGH THE MUTUAL RECOGNITION OF
24 MEMBER STATE LICENSES.

25 SECTION 2

26 DEFINITIONS

27 AS USED IN THIS COMPACT:

1 A. "ADVANCED EMERGENCY MEDICAL TECHNICIAN" OR "AEMT"
2 MEANS AN INDIVIDUAL LICENSED WITH COGNITIVE KNOWLEDGE AND A
3 SCOPE OF PRACTICE THAT CORRESPONDS TO THAT LEVEL IN THE NATIONAL
4 EMS EDUCATION STANDARDS AND NATIONAL EMS SCOPE OF PRACTICE
5 MODEL.

6 B. "ADVERSE ACTION" MEANS ANY ADMINISTRATIVE, CIVIL,
7 EQUITABLE, OR CRIMINAL ACTION PERMITTED BY A STATE'S LAWS THAT
8 MAY BE IMPOSED AGAINST LICENSED EMS PERSONNEL BY A STATE EMS
9 AUTHORITY OR STATE COURT, INCLUDING ACTIONS AGAINST AN
10 INDIVIDUAL'S LICENSE SUCH AS REVOCATION, SUSPENSION, PROBATION,
11 CONSENT AGREEMENT, MONITORING, OR OTHER LIMITATION OR
12 ENCUMBRANCE ON THE INDIVIDUAL'S PRACTICE; LETTERS OF REPRIMAND
13 OR ADMONITION; FINES; CRIMINAL CONVICTIONS; AND STATE COURT
14 JUDGMENTS ENFORCING ADVERSE ACTIONS BY THE STATE EMS
15 AUTHORITY.

16 C. "ALTERNATIVE PROGRAM" MEANS A VOLUNTARY,
17 NONDISCIPLINARY SUBSTANCE ABUSE RECOVERY PROGRAM APPROVED BY
18 A STATE EMS AUTHORITY.

19 D. "CERTIFICATION" MEANS THE SUCCESSFUL VERIFICATION OF
20 ENTRY-LEVEL COGNITIVE AND PSYCHOMOTOR COMPETENCY USING A
21 RELIABLE, VALIDATED, AND LEGALLY DEFENSIBLE EXAMINATION.

22 E. "COMMISSION" MEANS THE NATIONAL ADMINISTRATIVE BODY
23 OF WHICH ALL STATES THAT HAVE ENACTED THE COMPACT ARE MEMBERS.

24 F. "EMERGENCY MEDICAL TECHNICIAN" OR "EMT" MEANS AN
25 INDIVIDUAL LICENSED WITH COGNITIVE KNOWLEDGE AND A SCOPE OF
26 PRACTICE THAT CORRESPONDS TO THAT LEVEL IN THE NATIONAL EMS
27 EDUCATION STANDARDS AND NATIONAL EMS SCOPE OF PRACTICE

1 MODEL.

2 G. "HOME STATE" MEANS A MEMBER STATE WHERE AN INDIVIDUAL
3 IS LICENSED TO PRACTICE EMERGENCY MEDICAL SERVICES.

4 H. "LICENSE" MEANS THE AUTHORIZATION BY A STATE FOR AN
5 INDIVIDUAL TO PRACTICE AS AN EMT, AEMT, OR PARAMEDIC OR AT A
6 LEVEL BETWEEN EMT AND PARAMEDIC. IN COLORADO, THIS IS
7 ACCOMPLISHED THROUGH CERTIFICATION OF AN EMERGENCY MEDICAL
8 SERVICES PROVIDER PURSUANT TO SECTION 25-3.5-203 (1) (b), C.R.S.

9 I. "MEDICAL DIRECTOR" MEANS A PHYSICIAN LICENSED IN A
10 MEMBER STATE WHO IS ACCOUNTABLE FOR THE CARE DELIVERED BY EMS
11 PERSONNEL.

12 J. "MEMBER STATE" MEANS A STATE THAT HAS ENACTED THIS
13 COMPACT.

14 K. "PRIVILEGE TO PRACTICE" MEANS AN INDIVIDUAL'S AUTHORITY
15 TO DELIVER EMERGENCY MEDICAL SERVICES IN REMOTE STATES AS
16 AUTHORIZED UNDER THIS COMPACT.

17 L. "PARAMEDIC" MEANS AN INDIVIDUAL LICENSED WITH
18 COGNITIVE KNOWLEDGE AND A SCOPE OF PRACTICE THAT CORRESPONDS
19 TO THAT LEVEL IN THE NATIONAL EMS EDUCATION STANDARDS AND
20 NATIONAL EMS SCOPE OF PRACTICE MODEL.

21 M. "REMOTE STATE" MEANS A MEMBER STATE IN WHICH AN
22 INDIVIDUAL IS NOT LICENSED.

23 N. "RESTRICTED" MEANS THE OUTCOME OF AN ADVERSE ACTION
24 THAT LIMITS A LICENSE OR THE PRIVILEGE TO PRACTICE.

25 O. "RULE" MEANS A WRITTEN STATEMENT BY THE INTERSTATE
26 COMMISSION PROMULGATED PURSUANT TO SECTION 7 OF THIS COMPACT
27 THAT IS OF GENERAL APPLICABILITY; IMPLEMENTS, INTERPRETS, OR

1 A. ANY MEMBER STATE IN WHICH AN INDIVIDUAL HOLDS A
2 CURRENT LICENSE IS DEEMED A HOME STATE FOR PURPOSES OF THIS
3 COMPACT.

4 B. ANY MEMBER STATE MAY REQUIRE AN INDIVIDUAL TO OBTAIN
5 AND RETAIN A LICENSE TO BE AUTHORIZED TO PRACTICE IN THE MEMBER
6 STATE UNDER CIRCUMSTANCES NOT AUTHORIZED BY THE PRIVILEGE TO
7 PRACTICE UNDER THE TERMS OF THIS COMPACT.

8 C. A HOME STATE'S LICENSE AUTHORIZES AN INDIVIDUAL TO
9 PRACTICE IN A REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE ONLY
10 IF THE HOME STATE:

11 1. CURRENTLY REQUIRES THE USE OF THE NATIONAL REGISTRY OF
12 EMERGENCY MEDICAL TECHNICIANS (NREMT) EXAMINATION AS A
13 CONDITION OF ISSUING INITIAL LICENSES AT THE EMT AND PARAMEDIC
14 LEVELS;

15 2. HAS A MECHANISM IN PLACE FOR RECEIVING AND
16 INVESTIGATING COMPLAINTS ABOUT INDIVIDUALS;

17 3. NOTIFIES THE COMMISSION, IN COMPLIANCE WITH THE TERMS OF
18 THE COMPACT, OF ANY ADVERSE ACTION OR SIGNIFICANT INVESTIGATORY
19 INFORMATION REGARDING AN INDIVIDUAL, WHICH NOTIFICATION DOES
20 NOT WAIVE CONFIDENTIALITY OF THE INVESTIGATORY RECORDS
21 PROTECTED UNDER SECTION 25-3.5-205 (4), C.R.S.;

22 4. NO LATER THAN FIVE YEARS AFTER ACTIVATION OF THE
23 COMPACT, REQUIRES A CRIMINAL BACKGROUND CHECK OF ALL APPLICANTS
24 FOR INITIAL LICENSURE, INCLUDING THE USE OF THE RESULTS OF
25 FINGERPRINT OR OTHER BIOMETRIC DATA CHECKS COMPLIANT WITH THE
26 REQUIREMENTS OF THE FEDERAL BUREAU OF INVESTIGATION, WITH THE
27 EXCEPTION OF FEDERAL EMPLOYEES WHO HAVE SUITABILITY

1 DETERMINATION IN ACCORDANCE WITH 5 CFR 731.202 (2008), AND
2 SUBMITS DOCUMENTATION OF THE REQUIREMENT AS PROMULGATED IN
3 THE RULES OF THE COMMISSION; AND

4 5. COMPLIES WITH THE RULES OF THE COMMISSION.

5 SECTION 4

6 COMPACT PRIVILEGE TO PRACTICE

7 A. MEMBER STATES SHALL RECOGNIZE THE PRIVILEGE TO
8 PRACTICE OF AN INDIVIDUAL LICENSED IN ANOTHER MEMBER STATE THAT
9 IS IN CONFORMANCE WITH SECTION 3 OF THIS COMPACT.

10 B. TO EXERCISE THE PRIVILEGE TO PRACTICE UNDER THE TERMS
11 AND PROVISIONS OF THIS COMPACT, AN INDIVIDUAL MUST:

12 1. BE AT LEAST EIGHTEEN YEARS OF AGE;

13 2. POSSESS A CURRENT, UNRESTRICTED LICENSE IN A MEMBER
14 STATE AS AN EMT, AEMT, PARAMEDIC, OR STATE RECOGNIZED AND
15 LICENSED LEVEL WITH A SCOPE OF PRACTICE AND AUTHORITY BETWEEN
16 EMT AND PARAMEDIC; AND

17 3. PRACTICE UNDER THE SUPERVISION OF A MEDICAL DIRECTOR.

18 C. AN INDIVIDUAL PROVIDING PATIENT CARE IN A REMOTE STATE
19 UNDER THE PRIVILEGE TO PRACTICE SHALL FUNCTION WITHIN THE SCOPE
20 OF PRACTICE AUTHORIZED BY THE HOME STATE UNLESS MODIFIED BY AN
21 APPROPRIATE AUTHORITY IN THE REMOTE STATE, AS MAY BE DEFINED IN
22 THE RULES OF THE COMMISSION.

23 D. EXCEPT AS PROVIDED IN SUBSECTION C OF THIS SECTION 4, AN
24 INDIVIDUAL PRACTICING IN A REMOTE STATE IS SUBJECT TO THE REMOTE
25 STATE'S AUTHORITY AND LAWS. A REMOTE STATE MAY, IN ACCORDANCE
26 WITH DUE PROCESS AND THAT STATE'S LAWS, RESTRICT, SUSPEND, OR
27 REVOKE AN INDIVIDUAL'S PRIVILEGE TO PRACTICE IN THE REMOTE STATE

1 AND MAY TAKE ANY OTHER NECESSARY ACTIONS TO PROTECT THE HEALTH
2 AND SAFETY OF ITS CITIZENS. IF A REMOTE STATE TAKES ACTION, THE
3 REMOTE STATE SHALL PROMPTLY NOTIFY THE HOME STATE AND THE
4 COMMISSION.

5 E. IF AN INDIVIDUAL'S LICENSE IN ANY HOME STATE IS RESTRICTED
6 OR SUSPENDED, THE INDIVIDUAL IS NOT ELIGIBLE TO PRACTICE IN A
7 REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE UNTIL THE
8 INDIVIDUAL'S HOME STATE LICENSE IS RESTORED.

9 F. IF AN INDIVIDUAL'S PRIVILEGE TO PRACTICE IN ANY REMOTE
10 STATE IS RESTRICTED, SUSPENDED, OR REVOKED, THE INDIVIDUAL IS NOT
11 ELIGIBLE TO PRACTICE IN ANY REMOTE STATE UNTIL THE INDIVIDUAL'S
12 PRIVILEGE TO PRACTICE IS RESTORED.

13 SECTION 5

14 CONDITIONS OF PRACTICE IN A REMOTE STATE

15 A. AN INDIVIDUAL MAY PRACTICE IN A REMOTE STATE UNDER A
16 PRIVILEGE TO PRACTICE ONLY IN THE PERFORMANCE OF THE INDIVIDUAL'S
17 EMS DUTIES AS ASSIGNED BY AN APPROPRIATE AUTHORITY, AS DEFINED
18 IN THE RULES OF THE COMMISSION, AND UNDER THE FOLLOWING
19 CIRCUMSTANCES:

20 1. THE INDIVIDUAL ORIGINATES A PATIENT TRANSPORT IN A HOME
21 STATE AND TRANSPORTS THE PATIENT TO A REMOTE STATE;

22 2. THE INDIVIDUAL ORIGINATES IN THE HOME STATE AND ENTERS
23 A REMOTE STATE TO PICK UP A PATIENT AND PROVIDE CARE AND
24 TRANSPORT OF THE PATIENT TO THE HOME STATE;

25 3. THE INDIVIDUAL ENTERS A REMOTE STATE TO PROVIDE PATIENT
26 CARE OR TRANSPORT WITHIN THAT REMOTE STATE;

27 4. THE INDIVIDUAL ENTERS A REMOTE STATE TO PICK UP A PATIENT

1 AND PROVIDE CARE AND TRANSPORT TO A THIRD MEMBER STATE;
2 5. OTHER CONDITIONS AS DETERMINED BY RULES PROMULGATED
3 BY THE COMMISSION.

4 SECTION 6
5 RELATIONSHIP TO EMERGENCY MANAGEMENT
6 ASSISTANCE COMPACT

7 UPON A MEMBER STATE'S GOVERNOR'S DECLARATION OF A STATE
8 OF EMERGENCY OR DISASTER THAT ACTIVATES THE EMERGENCY
9 MANAGEMENT ASSISTANCE COMPACT (EMAC), ALL RELEVANT TERMS
10 AND PROVISIONS OF EMAC APPLY, AND TO THE EXTENT ANY TERMS OR
11 PROVISIONS OF THIS COMPACT CONFLICT WITH EMAC, THE TERMS OF
12 EMAC PREVAIL WITH RESPECT TO ANY INDIVIDUAL PRACTICING IN THE
13 REMOTE STATE IN RESPONSE TO THE EMERGENCY OR DISASTER
14 DECLARATION.

15 SECTION 7
16 VETERANS, SERVICE MEMBERS SEPARATING
17 FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

18 A. MEMBER STATES SHALL CONSIDER A VETERAN, ACTIVE
19 MILITARY SERVICE MEMBER, MEMBER OF THE NATIONAL GUARD AND
20 RESERVES SEPARATING FROM AN ACTIVE DUTY TOUR, AND A SPOUSE OF
21 THE VETERAN OR MEMBER, WHO HOLDS A CURRENT, VALID, AND
22 UNRESTRICTED NREMT CERTIFICATION AT OR ABOVE THE LEVEL OF THE
23 STATE LICENSE BEING SOUGHT, AS SATISFYING THE MINIMUM TRAINING
24 AND EXAMINATION REQUIREMENTS FOR LICENSURE.

25 B. MEMBER STATES SHALL EXPEDITE THE PROCESSING OF A
26 LICENSE APPLICATION SUBMITTED BY:

27 1. A VETERAN, ACTIVE MILITARY SERVICE MEMBER, OR MEMBER

1 OF THE NATIONAL GUARD AND RESERVES WHO IS SEPARATING FROM AN
2 ACTIVE DUTY TOUR; AND

3 2. THE SPOUSE OF A VETERAN OR MEMBER DESCRIBED IN
4 PARAGRAPH 1 OF THIS SUBSECTION B.

5 C. ALL INDIVIDUALS FUNCTIONING WITH A PRIVILEGE TO PRACTICE
6 UNDER THIS SECTION REMAIN SUBJECT TO THE ADVERSE ACTIONS
7 PROVISIONS OF SECTION 8 OF THIS COMPACT.

8 SECTION 8
9 ADVERSE ACTIONS

10 A. A HOME STATE HAS EXCLUSIVE POWER TO IMPOSE AN ADVERSE
11 ACTION AGAINST AN INDIVIDUAL'S LICENSE ISSUED BY THE HOME STATE.

12 B. IF AN INDIVIDUAL'S LICENSE IN ANY HOME STATE IS RESTRICTED
13 OR SUSPENDED, THE INDIVIDUAL IS NOT ELIGIBLE TO PRACTICE IN A
14 REMOTE STATE UNDER THE PRIVILEGE TO PRACTICE UNTIL THE
15 INDIVIDUAL'S HOME STATE LICENSE IS RESTORED.

16 C. ALL HOME STATE ADVERSE ACTION ORDERS MUST INCLUDE A
17 STATEMENT THAT THE INDIVIDUAL'S COMPACT PRIVILEGES ARE INACTIVE.
18 THE ORDER MAY ALLOW THE INDIVIDUAL TO PRACTICE IN REMOTE STATES
19 WITH PRIOR WRITTEN AUTHORIZATION FROM BOTH THE HOME STATE AND
20 REMOTE STATE'S EMS AUTHORITY.

21 D. AN INDIVIDUAL CURRENTLY SUBJECT TO AN ADVERSE ACTION
22 IN THE HOME STATE SHALL NOT PRACTICE IN ANY REMOTE STATE WITHOUT
23 PRIOR WRITTEN AUTHORIZATION FROM BOTH THE HOME STATE AND
24 REMOTE STATE'S EMS AUTHORITY.

25 E. A MEMBER STATE SHALL REPORT ADVERSE ACTIONS AND ANY
26 OCCURRENCES THAT THE INDIVIDUAL'S COMPACT PRIVILEGES ARE
27 RESTRICTED, SUSPENDED, OR REVOKED TO THE COMMISSION IN

1 ACCORDANCE WITH THE RULES OF THE COMMISSION.

2 F. A REMOTE STATE MAY TAKE ADVERSE ACTION ON AN
3 INDIVIDUAL'S PRIVILEGE TO PRACTICE WITHIN THAT STATE.

4 G. ANY MEMBER STATE MAY TAKE ADVERSE ACTION AGAINST AN
5 INDIVIDUAL'S PRIVILEGE TO PRACTICE IN THAT STATE BASED ON THE
6 FACTUAL FINDINGS OF ANOTHER MEMBER STATE, AS LONG AS EACH STATE
7 FOLLOWS ITS OWN PROCEDURES FOR IMPOSING AN ADVERSE ACTION.

8 H. A HOME STATE'S EMS AUTHORITY SHALL INVESTIGATE AND
9 TAKE APPROPRIATE ACTION WITH RESPECT TO REPORTED CONDUCT IN A
10 REMOTE STATE AS IT WOULD IF THE CONDUCT HAD OCCURRED WITHIN THE
11 HOME STATE. IN THESE CASES, THE HOME STATE'S LAW CONTROLS IN
12 DETERMINING THE APPROPRIATE ADVERSE ACTION.

13 I. NOTHING IN THIS COMPACT OVERRIDES A MEMBER STATE'S
14 DECISION THAT PARTICIPATION IN AN ALTERNATIVE PROGRAM MAY BE
15 USED IN LIEU OF ADVERSE ACTION AND THAT PARTICIPATION REMAINS
16 CONFIDENTIAL IF REQUIRED BY THE MEMBER STATE'S LAWS. MEMBER
17 STATES MUST REQUIRE INDIVIDUALS WHO ENTER ANY ALTERNATIVE
18 PROGRAMS TO AGREE NOT TO PRACTICE IN ANY OTHER MEMBER STATE
19 DURING THE TERM OF THE ALTERNATIVE PROGRAM WITHOUT PRIOR
20 AUTHORIZATION FROM THE OTHER MEMBER STATE.

21 SECTION 9

22 ADDITIONAL POWERS INVESTED IN A
23 MEMBER STATE'S EMS AUTHORITY

24 A. A MEMBER STATE'S EMS AUTHORITY, IN ADDITION TO ANY
25 OTHER POWERS GRANTED UNDER STATE LAW, IS AUTHORIZED UNDER THIS
26 COMPACT TO:

27 1. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS

1 THAT REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE
2 PRODUCTION OF EVIDENCE. SUBPOENAS ISSUED BY A MEMBER STATE'S
3 EMS AUTHORITY FOR THE ATTENDANCE AND TESTIMONY OF WITNESSES
4 OR THE PRODUCTION OF EVIDENCE FROM ANOTHER MEMBER STATE ARE
5 ENFORCEABLE IN THE REMOTE STATE BY ANY COURT OF COMPETENT
6 JURISDICTION, ACCORDING TO THAT COURT'S PRACTICE AND PROCEDURE
7 IN CONSIDERING SUBPOENAS ISSUED IN ITS OWN PROCEEDINGS. THE
8 ISSUING STATE'S EMS AUTHORITY SHALL PAY ANY WITNESS FEES, TRAVEL
9 EXPENSES, MILEAGE, AND OTHER FEES REQUIRED BY THE SERVICE
10 STATUTES OF THE STATE WHERE THE WITNESSES OR EVIDENCE ARE
11 LOCATED; AND

12 2. ISSUE CEASE-AND-DESIST ORDERS TO RESTRICT, SUSPEND, OR
13 REVOKE AN INDIVIDUAL'S PRIVILEGE TO PRACTICE IN THE STATE.

14 SECTION 10

15 ESTABLISHMENT OF THE INTERSTATE COMMISSION 16 FOR EMS PERSONNEL PRACTICE

17 A. 1. THE COMPACT STATES HEREBY CREATE AND ESTABLISH A
18 JOINT PUBLIC AGENCY KNOWN AS THE INTERSTATE COMMISSION FOR EMS
19 PERSONNEL PRACTICE.

20 2. THE COMMISSION IS A BODY POLITIC AND AN INSTRUMENTALITY
21 OF THE COMPACT STATES.

22 3. VENUE IS PROPER, AND JUDICIAL PROCEEDINGS BY OR AGAINST
23 THE COMMISSION MUST BE BROUGHT SOLELY AND EXCLUSIVELY IN A
24 COURT OF COMPETENT JURISDICTION WHERE THE PRINCIPAL OFFICE OF THE
25 COMMISSION IS LOCATED. THE COMMISSION MAY WAIVE VENUE AND
26 JURISDICTIONAL DEFENSES TO THE EXTENT IT ADOPTS OR CONSENTS TO
27 PARTICIPATE IN ALTERNATIVE DISPUTE RESOLUTION PROCEEDINGS.

1 4. NOTHING IN THIS COMPACT WAIVES SOVEREIGN IMMUNITY.

2 B. MEMBERSHIP, VOTING, AND MEETINGS.

3 1. EACH MEMBER STATE HAS AND IS LIMITED TO ONE DELEGATE.

4 THE RESPONSIBLE OFFICIAL OF THE STATE EMS AUTHORITY OR HIS OR HER
5 DESIGNEE SHALL BE THE DELEGATE TO THIS COMPACT FOR EACH MEMBER
6 STATE. ANY DELEGATE MAY BE REMOVED OR SUSPENDED FROM OFFICE AS
7 PROVIDED BY THE LAW OF THE STATE FROM WHICH THE DELEGATE IS
8 APPOINTED. A VACANCY OCCURRING IN THE COMMISSION MUST BE FILLED
9 IN ACCORDANCE WITH THE LAWS OF THE MEMBER STATE IN WHICH THE
10 VACANCY OCCURS. IF MORE THAN ONE BOARD, OFFICE, OR OTHER AGENCY
11 WITH THE LEGISLATIVE MANDATE TO LICENSE EMS PERSONNEL AT AND
12 ABOVE THE LEVEL OF EMT EXISTS, THE GOVERNOR OF THE STATE WILL
13 DETERMINE WHICH ENTITY IS RESPONSIBLE FOR ASSIGNING THE DELEGATE.

14 2. EACH DELEGATE IS ENTITLED TO ONE VOTE WITH REGARD TO
15 THE PROMULGATION OF RULES AND CREATION OF BYLAWS AND SHALL
16 OTHERWISE HAVE AN OPPORTUNITY TO PARTICIPATE IN THE BUSINESS AND
17 AFFAIRS OF THE COMMISSION. A DELEGATE SHALL VOTE IN PERSON OR BY
18 OTHER MEANS AS PROVIDED IN THE BYLAWS. THE BYLAWS MAY PROVIDE
19 FOR DELEGATES' PARTICIPATION IN MEETINGS BY TELEPHONE OR OTHER
20 MEANS OF COMMUNICATION.

21 3. THE COMMISSION SHALL MEET AT LEAST ONCE DURING EACH
22 CALENDAR YEAR. ADDITIONAL MEETINGS MUST BE HELD AS SET FORTH IN
23 THE BYLAWS.

24 4. ALL MEETINGS ARE OPEN TO THE PUBLIC, AND PUBLIC NOTICE OF
25 MEETINGS MUST BE GIVEN IN THE SAME MANNER AS REQUIRED UNDER THE
26 RULEMAKING PROVISIONS IN SECTION 7 OF THIS COMPACT.

27 5. THE COMMISSION MAY CONVENE IN A CLOSED, NON-PUBLIC

- 1 MEETING IF THE COMMISSION MUST DISCUSS:
- 2 a. NON-COMPLIANCE OF A MEMBER STATE WITH ITS OBLIGATIONS
- 3 UNDER THE COMPACT;
- 4 b. EMPLOYMENT, COMPENSATION, DISCIPLINE, OR OTHER
- 5 PERSONNEL MATTERS, PRACTICES, OR PROCEDURES RELATED TO SPECIFIC
- 6 EMPLOYEES OR OTHER MATTERS RELATED TO THE COMMISSION'S INTERNAL
- 7 PERSONNEL PRACTICES AND PROCEDURES;
- 8 c. CURRENT, THREATENED, OR REASONABLY ANTICIPATED
- 9 LITIGATION;
- 10 d. NEGOTIATION OF CONTRACTS FOR THE PURCHASE OR SALE OF
- 11 GOODS, SERVICES, OR REAL ESTATE;
- 12 e. AN ACCUSATION OF A CRIME AGAINST ANY PERSON OR
- 13 FORMALLY CENSURING ANY PERSON;
- 14 f. DISCLOSURE OF TRADE SECRETS OR COMMERCIAL OR FINANCIAL
- 15 INFORMATION THAT IS PRIVILEGED OR CONFIDENTIAL;
- 16 g. DISCLOSURE OF INFORMATION OF A PERSONAL NATURE WHERE
- 17 DISCLOSURE WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF
- 18 PERSONAL PRIVACY;
- 19 h. DISCLOSURE OF INVESTIGATORY RECORDS COMPILED FOR LAW
- 20 ENFORCEMENT PURPOSES;
- 21 i. DISCLOSURE OF INFORMATION RELATED TO ANY INVESTIGATORY
- 22 REPORTS PREPARED BY OR ON BEHALF OF OR FOR USE OF THE COMMISSION
- 23 OR OTHER COMMITTEE CHARGED WITH INVESTIGATING OR DETERMINING
- 24 COMPLIANCE ISSUES PURSUANT TO THE COMPACT; OR
- 25 j. MATTERS SPECIFICALLY EXEMPTED FROM DISCLOSURE BY
- 26 FEDERAL OR MEMBER STATE STATUTE.
- 27 6. IF A MEETING OR PORTION OF A MEETING IS CLOSED PURSUANT

1 TO THIS SECTION, THE COMMISSION'S LEGAL COUNSEL OR DESIGNEE SHALL
2 CERTIFY THAT THE MEETING MAY BE CLOSED AND SHALL REFERENCE EACH
3 RELEVANT EXEMPTING PROVISION. THE COMMISSION SHALL KEEP MINUTES
4 THAT FULLY AND CLEARLY DESCRIBE ALL MATTERS DISCUSSED IN A
5 CLOSED MEETING AND SHALL PROVIDE A FULL AND ACCURATE SUMMARY
6 OF ACTIONS TAKEN AND THE REASONS FOR THE ACTIONS, INCLUDING A
7 DESCRIPTION OF THE VIEWS EXPRESSED. ALL DOCUMENTS CONSIDERED IN
8 CONNECTION WITH AN ACTION MUST BE IDENTIFIED IN THE MINUTES. ALL
9 MINUTES AND DOCUMENTS OF A CLOSED MEETING MUST REMAIN UNDER
10 SEAL, SUBJECT TO RELEASE BY A MAJORITY VOTE OF THE COMMISSION OR
11 ORDER OF A COURT OF COMPETENT JURISDICTION.

12 C. THE COMMISSION SHALL, BY A MAJORITY VOTE OF THE
13 DELEGATES, PRESCRIBE BYLAWS OR RULES TO GOVERN ITS CONDUCT AS
14 MAY BE NECESSARY OR APPROPRIATE TO CARRY OUT THE PURPOSES AND
15 EXERCISE THE POWERS OF THE COMPACT, INCLUDING:

- 16 1. ESTABLISHING THE FISCAL YEAR OF THE COMMISSION;
17 2. PROVIDING REASONABLE STANDARDS AND PROCEDURES:
18 a. FOR ESTABLISHMENT AND MEETINGS OF OTHER COMMITTEES;

19 AND

- 20 b. GOVERNING ANY GENERAL OR SPECIFIC DELEGATION OF ANY
21 AUTHORITY OR FUNCTION OF THE COMMISSION;

- 22 3. PROVIDING REASONABLE PROCEDURES FOR CALLING AND
23 CONDUCTING MEETINGS OF THE COMMISSION, ENSURING REASONABLE
24 ADVANCE NOTICE OF ALL MEETINGS, AND PROVIDING AN OPPORTUNITY
25 FOR ATTENDANCE OF COMMISSION MEETINGS BY INTERESTED PARTIES,
26 WITH ENUMERATED EXCEPTIONS DESIGNED TO PROTECT THE PUBLIC'S
27 INTEREST, THE PRIVACY OF INDIVIDUALS, AND PROPRIETARY

1 INFORMATION, INCLUDING TRADE SECRETS. THE COMMISSION MAY MEET
2 IN CLOSED SESSION ONLY AFTER A MAJORITY OF THE COMMISSION
3 MEMBERS VOTE TO CLOSE A MEETING IN WHOLE OR IN PART. AS SOON AS
4 PRACTICABLE, THE COMMISSION MUST MAKE PUBLIC A COPY OF THE VOTE
5 TO CLOSE THE MEETING, REVEALING THE VOTE OF EACH MEMBER WITH NO
6 PROXY VOTES ALLOWED;

7 4. ESTABLISHING THE TITLES, DUTIES, AND AUTHORITY, AND
8 REASONABLE PROCEDURES FOR THE ELECTION OF THE OFFICERS OF THE
9 COMMISSION;

10 5. PROVIDING REASONABLE STANDARDS AND PROCEDURES FOR
11 ESTABLISHING THE PERSONNEL POLICIES AND PROGRAMS OF THE
12 COMMISSION. NOTWITHSTANDING ANY CIVIL SERVICE OR OTHER SIMILAR
13 LAWS OF ANY MEMBER STATE, THE BYLAWS EXCLUSIVELY GOVERN THE
14 PERSONNEL POLICIES AND PROGRAMS OF THE COMMISSION;

15 6. PROMULGATING A CODE OF ETHICS TO ADDRESS PERMISSIBLE
16 AND PROHIBITED ACTIVITIES OF COMMISSION MEMBERS AND EMPLOYEES;
17 AND

18 7. PROVIDING A MECHANISM FOR WINDING UP THE OPERATIONS OF
19 THE COMMISSION AND THE EQUITABLE DISPOSITION OF ANY SURPLUS
20 FUNDS THAT MAY EXIST AFTER THE TERMINATION OF THE COMPACT AND
21 AFTER THE PAYING OR RESERVING OF ALL OF ITS DEBTS AND OBLIGATIONS.

22 D. THE COMMISSION SHALL PUBLISH ITS BYLAWS AND FILE A COPY
23 OF ITS BYLAWS AND ANY AMENDMENTS TO THE BYLAWS WITH THE
24 APPROPRIATE AGENCY OR OFFICER IN EACH OF THE MEMBER STATES, IF
25 ANY.

26 E. THE COMMISSION SHALL MAINTAIN ITS FINANCIAL RECORDS IN
27 ACCORDANCE WITH THE BYLAWS.

1 F. THE COMMISSION SHALL MEET AND TAKE ACTIONS CONSISTENT
2 WITH THIS COMPACT AND COMMISSION BYLAWS.

3 G. THE COMMISSION HAS THE FOLLOWING POWERS:

4 1. TO PROMULGATE UNIFORM RULES TO FACILITATE AND
5 COORDINATE IMPLEMENTATION AND ADMINISTRATION OF THIS COMPACT.
6 THE RULES HAVE THE FORCE AND EFFECT OF LAW AND ARE BINDING IN ALL
7 MEMBER STATES.

8 2. TO BRING AND PROSECUTE LEGAL PROCEEDINGS OR ACTIONS IN
9 THE NAME OF THE COMMISSION; EXCEPT THAT THE STANDING OF ANY
10 STATE EMS AUTHORITY OR OTHER REGULATORY BODY RESPONSIBLE FOR
11 EMS PERSONNEL LICENSURE TO SUE OR BE SUED UNDER APPLICABLE LAW
12 IS NOT AFFECTED;

13 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

14 4. TO BORROW, ACCEPT, OR CONTRACT FOR SERVICES OF
15 PERSONNEL, INCLUDING EMPLOYEES OF A MEMBER STATE;

16 5. TO HIRE EMPLOYEES, ELECT OR APPOINT OFFICERS, FIX
17 COMPENSATION, DEFINE DUTIES, GRANT THOSE INDIVIDUALS APPROPRIATE
18 AUTHORITY TO CARRY OUT THE PURPOSES OF THE COMPACT, AND
19 ESTABLISH THE COMMISSION'S PERSONNEL POLICIES AND PROGRAMS
20 RELATING TO CONFLICTS OF INTEREST, QUALIFICATIONS OF PERSONNEL,
21 AND OTHER RELATED PERSONNEL MATTERS;

22 6. TO ACCEPT ANY APPROPRIATE DONATIONS AND GRANTS OF
23 MONEY, EQUIPMENT, SUPPLIES, MATERIALS, AND SERVICES AND TO
24 RECEIVE, UTILIZE, AND DISPOSE OF DONATIONS AND GRANTS; EXCEPT THAT
25 AT ALL TIMES THE COMMISSION SHALL STRIVE TO AVOID ANY APPEARANCE
26 OF IMPROPRIETY OR CONFLICT OF INTEREST;

27 7. TO LEASE, PURCHASE, ACCEPT APPROPRIATE GIFTS OR

1 DONATIONS OF, OR OTHERWISE TO OWN, HOLD, IMPROVE, OR USE ANY
2 REAL, PERSONAL, OR MIXED PROPERTY; EXCEPT THAT AT ALL TIMES THE
3 COMMISSION SHALL STRIVE TO AVOID ANY APPEARANCE OF IMPROPRIETY;

4 8. TO SELL, CONVEY, MORTGAGE, PLEDGE, LEASE, EXCHANGE,
5 ABANDON, OR OTHERWISE DISPOSE OF ANY REAL, PERSONAL, OR MIXED
6 PROPERTY;

7 9. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

8 10. TO BORROW MONEY;

9 11. TO APPOINT COMMITTEES, INCLUDING ADVISORY COMMITTEES,
10 COMPOSED OF MEMBERS, STATE REGULATORS, STATE LEGISLATORS OR
11 THEIR REPRESENTATIVES, CONSUMER REPRESENTATIVES, AND OTHER
12 INTERESTED PERSONS AS MAY BE DESIGNATED IN THIS COMPACT AND THE
13 BYLAWS;

14 12. TO PROVIDE AND RECEIVE INFORMATION FROM, AND TO
15 COOPERATE WITH, LAW ENFORCEMENT AGENCIES;

16 13. TO ADOPT AND USE AN OFFICIAL SEAL; AND

17 14. TO PERFORM OTHER FUNCTIONS AS MAY BE NECESSARY OR
18 APPROPRIATE TO ACHIEVE THE PURPOSES OF THIS COMPACT THAT ARE
19 CONSISTENT WITH THE STATE REGULATION OF EMS PERSONNEL
20 LICENSURE AND PRACTICE.

21 H. FINANCING OF THE COMMISSION.

22 1. THE COMMISSION SHALL PAY, OR PROVIDE FOR THE PAYMENT
23 OF, THE REASONABLE EXPENSES OF ITS ESTABLISHMENT, ORGANIZATION,
24 AND ONGOING ACTIVITIES.

25 2. THE COMMISSION MAY ACCEPT ANY APPROPRIATE REVENUE
26 SOURCES, DONATIONS, AND GRANTS OF MONEY, EQUIPMENT, SUPPLIES,
27 MATERIALS, AND SERVICES.

1 3. THE COMMISSION MAY LEVY ON AND COLLECT AN ANNUAL
2 ASSESSMENT FROM EACH MEMBER STATE OR IMPOSE FEES ON OTHER
3 PARTIES TO COVER THE COST OF THE OPERATIONS AND ACTIVITIES OF THE
4 COMMISSION AND ITS STAFF, WHICH MUST BE IN A TOTAL AMOUNT
5 SUFFICIENT TO COVER ITS ANNUAL BUDGET AS APPROVED EACH YEAR FOR
6 WHICH REVENUE IS NOT PROVIDED BY OTHER SOURCES. THE AGGREGATE
7 ANNUAL ASSESSMENT AMOUNT MUST BE ALLOCATED BASED UPON A
8 FORMULA TO BE DETERMINED BY THE COMMISSION, WHICH SHALL
9 PROMULGATE A RULE BINDING UPON ALL MEMBER STATES.

10 4. THE COMMISSION SHALL NOT INCUR OBLIGATIONS OF ANY KIND
11 PRIOR TO SECURING THE FUNDS ADEQUATE TO MEET THE SAME; NOR SHALL
12 THE COMMISSION PLEDGE THE CREDIT OF ANY OF THE MEMBER STATES,
13 EXCEPT BY AND WITH THE AUTHORITY OF THE MEMBER STATE.

14 5. THE COMMISSION SHALL KEEP ACCURATE ACCOUNTS OF ALL
15 RECEIPTS AND DISBURSEMENTS. THE RECEIPTS AND DISBURSEMENTS OF
16 THE COMMISSION ARE SUBJECT TO THE AUDIT AND ACCOUNTING
17 PROCEDURES ESTABLISHED UNDER ITS BYLAWS. HOWEVER, ALL RECEIPTS
18 AND DISBURSEMENTS OF FUNDS HANDLED BY THE COMMISSION MUST BE
19 AUDITED YEARLY BY A CERTIFIED OR LICENSED PUBLIC ACCOUNTANT, AND
20 THE REPORT OF THE AUDIT MUST BE INCLUDED IN AND BECOME PART OF
21 THE COMMISSION'S ANNUAL REPORT.

22 I. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.

23 1. THE MEMBERS, OFFICERS, EXECUTIVE DIRECTOR, EMPLOYEES,
24 AND REPRESENTATIVES OF THE COMMISSION ARE IMMUNE FROM SUIT AND
25 LIABILITY, EITHER PERSONALLY OR IN THEIR OFFICIAL CAPACITY, FOR ANY
26 CLAIM FOR DAMAGE TO OR LOSS OF PROPERTY OR PERSONAL INJURY OR
27 OTHER CIVIL LIABILITY CAUSED BY OR ARISING OUT OF ANY ACTUAL OR

1 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED, OR THAT THE
2 PERSON AGAINST WHOM THE CLAIM IS MADE HAD A REASONABLE BASIS
3 FOR BELIEVING OCCURRED, WITHIN THE SCOPE OF COMMISSION
4 EMPLOYMENT, DUTIES, OR RESPONSIBILITIES. NOTHING IN THIS
5 PARAGRAPH 1 PROTECTS ANY PERSON FROM SUIT OR LIABILITY FOR ANY
6 DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR
7 WILLFUL OR WANTON MISCONDUCT OF THAT PERSON.

8 2. THE COMMISSION SHALL DEFEND ANY MEMBER, OFFICER,
9 EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE OF THE
10 COMMISSION IN ANY CIVIL ACTION SEEKING TO IMPOSE LIABILITY ARISING
11 OUT OF ANY ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION THAT
12 OCCURRED WITHIN THE SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR
13 RESPONSIBILITIES, OR THAT THE PERSON AGAINST WHOM THE CLAIM IS
14 MADE HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
15 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,
16 UNLESS THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION RESULTED
17 FROM THAT PERSON'S INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT.
18 NOTHING IN THIS PARAGRAPH 2 PROHIBITS THAT PERSON FROM RETAINING
19 HIS OR HER OWN COUNSEL.

20 3. THE COMMISSION SHALL INDEMNIFY AND HOLD HARMLESS ANY
21 MEMBER, OFFICER, EXECUTIVE DIRECTOR, EMPLOYEE, OR REPRESENTATIVE
22 OF THE COMMISSION FOR THE AMOUNT OF ANY SETTLEMENT OR JUDGMENT
23 OBTAINED AGAINST THAT PERSON ARISING OUT OF ANY ACTUAL OR
24 ALLEGED ACT, ERROR, OR OMISSION THAT OCCURRED WITHIN THE SCOPE
25 OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES, OR THAT THE
26 PERSON HAD A REASONABLE BASIS FOR BELIEVING OCCURRED WITHIN THE
27 SCOPE OF COMMISSION EMPLOYMENT, DUTIES, OR RESPONSIBILITIES,

1 UNLESS THE ACTUAL OR ALLEGED ACT, ERROR, OR OMISSION RESULTED
2 FROM THE INTENTIONAL OR WILLFUL OR WANTON MISCONDUCT OF THAT
3 PERSON.

4 SECTION 11
5 COORDINATED DATABASE

6 A. THE COMMISSION SHALL PROVIDE FOR THE DEVELOPMENT AND
7 MAINTENANCE OF A COORDINATED DATABASE AND REPORTING SYSTEM
8 CONTAINING LICENSURE, ADVERSE ACTION, AND SIGNIFICANT
9 INVESTIGATORY INFORMATION ON ALL LICENSED INDIVIDUALS IN MEMBER
10 STATES.

11 B. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO
12 THE CONTRARY, A MEMBER STATE SHALL SUBMIT A UNIFORM DATA SET TO
13 THE COORDINATED DATABASE ON ALL INDIVIDUALS TO WHOM THIS
14 COMPACT IS APPLICABLE AS REQUIRED BY THE RULES OF THE COMMISSION,
15 INCLUDING:

- 16 1. IDENTIFYING INFORMATION;
- 17 2. LICENSURE DATA;
- 18 3. SIGNIFICANT INVESTIGATORY INFORMATION;
- 19 4. ADVERSE ACTIONS AGAINST AN INDIVIDUAL'S LICENSE;
- 20 5. AN INDICATOR THAT AN INDIVIDUAL'S PRIVILEGE TO PRACTICE
21 IS RESTRICTED, SUSPENDED, OR REVOKED;
- 22 6. NONCONFIDENTIAL INFORMATION RELATED TO ALTERNATIVE
23 PROGRAM PARTICIPATION;
- 24 7. ANY DENIAL OF AN APPLICATION FOR LICENSURE AND THE
25 REASON FOR THE DENIAL; AND
- 26 8. OTHER INFORMATION THAT MAY FACILITATE THE
27 ADMINISTRATION OF THIS COMPACT, AS DETERMINED BY THE RULES OF THE

1 COMMISSION.

2 C. THE COORDINATED DATABASE ADMINISTRATOR SHALL
3 PROMPTLY NOTIFY ALL MEMBER STATES OF ANY ADVERSE ACTION TAKEN
4 AGAINST, OR SIGNIFICANT INVESTIGATIVE INFORMATION ON, ANY
5 INDIVIDUAL IN A MEMBER STATE.

6 D. MEMBER STATES CONTRIBUTING INFORMATION TO THE
7 COORDINATED DATABASE MAY DESIGNATE INFORMATION THAT MAY NOT
8 BE SHARED WITH THE PUBLIC WITHOUT THE EXPRESS PERMISSION OF THE
9 CONTRIBUTING STATE.

10 E. ANY INFORMATION SUBMITTED TO THE COORDINATED
11 DATABASE THAT IS SUBSEQUENTLY REQUIRED TO BE EXPUNGED BY THE
12 LAWS OF THE MEMBER STATE CONTRIBUTING THE INFORMATION MUST BE
13 REMOVED FROM THE COORDINATED DATABASE.

14 SECTION 12

15 RULEMAKING

16 A. THE COMMISSION SHALL EXERCISE ITS RULEMAKING POWERS
17 PURSUANT TO THE CRITERIA SET FORTH IN THIS SECTION 12 AND THE RULES
18 ADOPTED UNDER THIS SECTION 12. RULES AND AMENDMENTS ARE BINDING
19 AS OF THE DATE SPECIFIED IN THE RULE OR AMENDMENT.

20 B. IF A MAJORITY OF THE LEGISLATURES OF THE MEMBER STATES
21 REJECTS A RULE, BY ENACTMENT OF A STATUTE OR RESOLUTION IN THE
22 SAME MANNER USED TO ADOPT THE COMPACT, THE RULE HAS NO FURTHER
23 FORCE AND EFFECT IN ANY MEMBER STATE.

24 C. RULES OR AMENDMENTS TO THE RULES MUST BE ADOPTED AT
25 A REGULAR OR SPECIAL MEETING OF THE COMMISSION.

26 D. PRIOR TO PROMULGATING AND ADOPTING A FINAL RULE, AND
27 AT LEAST SIXTY DAYS IN ADVANCE OF THE MEETING AT WHICH THE RULE

1 WILL BE CONSIDERED AND VOTED UPON, THE COMMISSION SHALL FILE A
2 NOTICE OF PROPOSED RULEMAKING:

- 3 1. ON THE COMMISSION'S WEB SITE; AND
- 4 2. ON THE WEB SITE OF EACH MEMBER STATE'S EMS AUTHORITY
5 OR THE PUBLICATION IN WHICH EACH STATE WOULD OTHERWISE PUBLISH
6 PROPOSED RULES.

7 E. THE NOTICE OF PROPOSED RULEMAKING MUST INCLUDE:

- 8 1. THE PROPOSED TIME, DATE, AND LOCATION OF THE MEETING IN
9 WHICH THE RULE WILL BE CONSIDERED AND VOTED UPON;
- 10 2. THE TEXT OF THE PROPOSED RULE OR AMENDMENT AND THE
11 REASON FOR THE PROPOSED RULE;
- 12 3. A REQUEST FOR COMMENTS ON THE PROPOSED RULE FROM ANY
13 INTERESTED PERSON; AND
- 14 4. THE MANNER IN WHICH INTERESTED PERSONS MAY SUBMIT TO
15 THE COMMISSION NOTICE OF INTENT TO ATTEND THE PUBLIC HEARING AND
16 ANY WRITTEN COMMENTS.

17 F. PRIOR TO ADOPTING A PROPOSED RULE, THE COMMISSION SHALL
18 ALLOW PERSONS TO SUBMIT WRITTEN DATA, FACTS, OPINIONS, AND
19 ARGUMENTS, WHICH THE COMMISSION SHALL MAKE AVAILABLE TO THE
20 PUBLIC.

21 G. THE COMMISSION SHALL GRANT AN OPPORTUNITY FOR A PUBLIC
22 HEARING BEFORE IT ADOPTS A RULE OR AMENDMENT IF A HEARING IS
23 REQUESTED BY:

- 24 1. AT LEAST TWENTY-FIVE PERSONS;
- 25 2. A GOVERNMENTAL SUBDIVISION OR AGENCY; OR
- 26 3. AN ASSOCIATION HAVING AT LEAST TWENTY-FIVE MEMBERS.

27 H. 1. IF A HEARING IS HELD ON THE PROPOSED RULE OR

1 AMENDMENT, THE COMMISSION SHALL PUBLISH THE PLACE, TIME, AND
2 DATE OF THE SCHEDULED PUBLIC HEARING.

3 2. ALL PERSONS WISHING TO BE HEARD AT THE HEARING SHALL
4 NOTIFY THE EXECUTIVE DIRECTOR OF THE COMMISSION OR OTHER
5 DESIGNATED MEMBER IN WRITING OF THEIR DESIRE TO APPEAR AND
6 TESTIFY AT THE HEARING NOT LESS THAN FIVE BUSINESS DAYS BEFORE THE
7 SCHEDULED DATE OF THE HEARING.

8 3. HEARINGS MUST BE CONDUCTED IN A MANNER PROVIDING EACH
9 PERSON WHO WISHES TO COMMENT A FAIR AND REASONABLE
10 OPPORTUNITY TO COMMENT ORALLY OR IN WRITING.

11 4. A TRANSCRIPT OF THE HEARING IS NOT REQUIRED UNLESS A
12 WRITTEN REQUEST FOR A TRANSCRIPT IS MADE, IN WHICH CASE THE
13 PERSON REQUESTING THE TRANSCRIPT SHALL BEAR THE COST OF
14 PRODUCING THE TRANSCRIPT. A RECORDING MAY BE MADE IN LIEU OF A
15 TRANSCRIPT UNDER THE SAME TERMS AND CONDITIONS AS A TRANSCRIPT.
16 THIS PARAGRAPH 4 DOES NOT PRECLUDE THE COMMISSION FROM MAKING
17 A TRANSCRIPT OR RECORDING OF THE HEARING IF IT SO CHOOSES.

18 5. NOTHING IN THIS SECTION REQUIRES A SEPARATE HEARING ON
19 EACH RULE. RULES MAY BE GROUPED FOR THE CONVENIENCE OF THE
20 COMMISSION AT HEARINGS REQUIRED BY THIS SECTION.

21 I. FOLLOWING THE SCHEDULED HEARING DATE, OR BY THE CLOSE
22 OF BUSINESS ON THE SCHEDULED HEARING DATE IF THE HEARING WAS NOT
23 HELD, THE COMMISSION SHALL CONSIDER ALL WRITTEN AND ORAL
24 COMMENTS RECEIVED.

25 J. THE COMMISSION SHALL, BY MAJORITY VOTE OF ALL MEMBERS,
26 TAKE FINAL ACTION ON THE PROPOSED RULE AND SHALL DETERMINE THE
27 EFFECTIVE DATE OF THE RULE, IF ANY, BASED ON THE RULEMAKING

1 RECORD AND THE FULL TEXT OF THE RULE.

2 K. IF THE COMMISSION DOES NOT RECEIVE WRITTEN NOTICE OF
3 INTENT TO ATTEND THE PUBLIC HEARING BY INTERESTED PARTIES, THE
4 COMMISSION MAY PROCEED WITH PROMULGATION OF THE PROPOSED RULE
5 WITHOUT A PUBLIC HEARING.

6 L. UPON DETERMINATION THAT AN EMERGENCY EXISTS, THE
7 COMMISSION MAY CONSIDER AND ADOPT AN EMERGENCY RULE WITHOUT
8 PRIOR NOTICE, OPPORTUNITY FOR COMMENT, OR HEARING, BUT THE USUAL
9 RULEMAKING PROCEDURES PROVIDED IN THE COMPACT AND IN THIS
10 SECTION MUST BE RETROACTIVELY APPLIED TO THE RULE AS SOON AS
11 REASONABLY POSSIBLE, IN NO EVENT LATER THAN NINETY DAYS AFTER
12 THE EFFECTIVE DATE OF THE RULE. FOR THE PURPOSES OF THIS
13 SUBSECTION L, AN EMERGENCY RULE IS ONE THAT MUST BE ADOPTED
14 IMMEDIATELY IN ORDER TO:

15 1. MEET AN IMMINENT THREAT TO PUBLIC HEALTH, SAFETY, OR
16 WELFARE;

17 2. PREVENT A LOSS OF COMMISSION OR MEMBER STATE FUNDS;

18 3. MEET A DEADLINE FOR THE PROMULGATION OF AN
19 ADMINISTRATIVE RULE THAT IS ESTABLISHED BY FEDERAL LAW OR RULE;

20 OR

21 4. PROTECT PUBLIC HEALTH AND SAFETY.

22 M. THE COMMISSION OR AN AUTHORIZED COMMITTEE OF THE
23 COMMISSION MAY DIRECT REVISIONS TO A PREVIOUSLY ADOPTED RULE OR
24 AMENDMENT FOR PURPOSES OF CORRECTING TYPOGRAPHICAL, FORMAT,
25 CONSISTENCY, OR GRAMMATICAL ERRORS. PUBLIC NOTICE OF ANY
26 REVISIONS MUST BE POSTED ON THE COMMISSION'S WEB SITE. THE
27 REVISION IS SUBJECT TO CHALLENGE BY ANY PERSON FOR A PERIOD OF

1 THIRTY DAYS AFTER POSTING. THE REVISION MAY BE CHALLENGED ONLY
2 ON GROUNDS THAT THE REVISION RESULTS IN A MATERIAL CHANGE TO A
3 RULE. A CHALLENGE MUST BE MADE IN WRITING AND DELIVERED TO THE
4 CHAIR OF THE COMMISSION PRIOR TO THE END OF THE NOTICE PERIOD. IF
5 NO CHALLENGE IS MADE, THE REVISION TAKES EFFECT WITHOUT FURTHER
6 ACTION. IF THE REVISION IS CHALLENGED, THE REVISION MAY NOT TAKE
7 EFFECT WITHOUT THE APPROVAL OF THE COMMISSION.

8 SECTION 13
9 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

10 A. OVERSIGHT.

11 1. THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF
12 STATE GOVERNMENT IN EACH MEMBER STATE SHALL ENFORCE THIS
13 COMPACT AND TAKE ALL ACTIONS NECESSARY AND APPROPRIATE TO
14 EFFECTUATE THE COMPACT'S PURPOSES AND INTENT. THE PROVISIONS OF
15 THIS COMPACT AND THE RULES PROMULGATED UNDER THE COMPACT HAVE
16 STANDING AS STATUTORY LAW.

17 2. ALL COURTS SHALL TAKE JUDICIAL NOTICE OF THE COMPACT
18 AND THE RULES IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING IN A
19 MEMBER STATE PERTAINING TO THE SUBJECT MATTER OF THIS COMPACT
20 THAT MAY AFFECT THE POWERS, RESPONSIBILITIES, OR ACTIONS OF THE
21 COMMISSION.

22 3. THE COMMISSION IS ENTITLED TO RECEIVE SERVICE OF PROCESS
23 IN ANY JUDICIAL OR ADMINISTRATIVE PROCEEDING AND HAS STANDING TO
24 INTERVENE IN THE PROCEEDING FOR ALL PURPOSES. FAILURE TO PROVIDE
25 SERVICE OF PROCESS TO THE COMMISSION RENDERS A JUDGMENT OR
26 ORDER VOID AS TO THE COMMISSION, THIS COMPACT, OR PROMULGATED
27 RULES.

1 B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.

2 1. IF THE COMMISSION DETERMINES THAT A MEMBER STATE HAS

3 DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR

4 RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,

5 THE COMMISSION SHALL:

6 a. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND

7 OTHER MEMBER STATES OF THE NATURE OF THE DEFAULT, THE PROPOSED

8 MEANS OF CURING THE DEFAULT, AND ANY OTHER ACTION TO BE TAKEN BY

9 THE COMMISSION; AND

10 b. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL

11 ASSISTANCE REGARDING THE DEFAULT.

12 2. IF A STATE IN DEFAULT FAILS TO CURE THE DEFAULT, THE

13 DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT UPON AN

14 AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBER STATES, AND ALL

15 RIGHTS, PRIVILEGES, AND BENEFITS CONFERRED BY THIS COMPACT MAY BE

16 TERMINATED ON THE EFFECTIVE DATE OF TERMINATION. A CURE OF THE

17 DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR

18 LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

19 3. TERMINATION OF MEMBERSHIP IN THE COMPACT MAY BE

20 IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE

21 BEEN EXHAUSTED. THE COMMISSION SHALL GIVE NOTICE OF INTENT TO

22 SUSPEND OR TERMINATE TO THE GOVERNOR OF THE DEFAULTING STATE,

23 THE MAJORITY AND MINORITY LEADERS OF THE DEFAULTING STATE'S

24 LEGISLATURE, AND EACH OF THE MEMBER STATES.

25 4. A STATE THAT HAS BEEN TERMINATED IS RESPONSIBLE FOR ALL

26 ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE

27 EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND

1 BEYOND THE EFFECTIVE DATE OF TERMINATION.

2 5. THE COMMISSION SHALL NOT BEAR ANY COSTS RELATED TO A
3 STATE THAT IS FOUND TO BE IN DEFAULT OR THAT HAS BEEN TERMINATED
4 FROM THE COMPACT, UNLESS AGREED UPON IN WRITING BETWEEN THE
5 COMMISSION AND THE DEFAULTING STATE.

6 6. THE DEFAULTING STATE MAY APPEAL THE ACTION OF THE
7 COMMISSION BY PETITIONING THE UNITED STATES DISTRICT COURT FOR
8 THE DISTRICT OF COLUMBIA OR THE FEDERAL DISTRICT WHERE THE
9 COMMISSION HAS ITS PRINCIPAL OFFICES. THE COURT SHALL AWARD ALL
10 COSTS OF THE LITIGATION, INCLUDING REASONABLE ATTORNEY'S FEES, TO
11 THE PREVAILING PARTY.

12 C. DISPUTE RESOLUTION.

13 1. UPON REQUEST BY A MEMBER STATE, THE COMMISSION SHALL
14 ATTEMPT TO RESOLVE DISPUTES RELATED TO THE COMPACT THAT ARISE
15 AMONG MEMBER STATES AND BETWEEN MEMBER AND NON-MEMBER
16 STATES.

17 2. THE COMMISSION SHALL PROMULGATE A RULE PROVIDING FOR
18 BOTH MEDIATION AND BINDING DISPUTE RESOLUTION FOR DISPUTES AS
19 APPROPRIATE.

20 D. ENFORCEMENT.

21 1. THE COMMISSION, IN THE REASONABLE EXERCISE OF ITS
22 DISCRETION, SHALL ENFORCE THE PROVISIONS AND RULES OF THIS
23 COMPACT.

24 2. BY MAJORITY VOTE, THE COMMISSION MAY INITIATE LEGAL
25 ACTION IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
26 COLUMBIA OR THE FEDERAL DISTRICT WHERE THE COMMISSION HAS ITS
27 PRINCIPAL OFFICES AGAINST A MEMBER STATE IN DEFAULT TO ENFORCE

1 COMPLIANCE WITH THE COMPACT AND ITS PROMULGATED RULES AND
2 BYLAWS. THE RELIEF SOUGHT MAY INCLUDE BOTH INJUNCTIVE RELIEF AND
3 DAMAGES. IF JUDICIAL ENFORCEMENT IS NECESSARY, THE COURT SHALL
4 AWARD ALL COSTS OF THE LITIGATION, INCLUDING REASONABLE
5 ATTORNEY'S FEES, TO THE PREVAILING PARTY.

6 3. THE REMEDIES CONTAINED IN THIS SECTION ARE NOT THE
7 EXCLUSIVE REMEDIES AVAILABLE TO THE COMMISSION. THE COMMISSION
8 MAY PURSUE ANY OTHER REMEDIES AVAILABLE UNDER FEDERAL OR STATE
9 LAW.

10 SECTION 14
11 DATE OF IMPLEMENTATION OF THE
12 INTERSTATE COMMISSION FOR EMS PERSONNEL
13 PRACTICE AND ASSOCIATED RULES,
14 WITHDRAWAL, AND AMENDMENT

15 A. THE COMPACT TAKES EFFECT ON THE DATE ON WHICH THE
16 COMPACT STATUTE IS ENACTED INTO LAW IN THE TENTH MEMBER STATE.
17 THE PROVISIONS THAT BECOME EFFECTIVE AT THAT TIME ARE LIMITED TO
18 THE POWERS GRANTED TO THE COMMISSION RELATING TO ASSEMBLY AND
19 THE PROMULGATION OF RULES. THEREAFTER, THE COMMISSION SHALL
20 MEET AND EXERCISE RULEMAKING POWERS NECESSARY TO IMPLEMENT
21 AND ADMINISTER THE COMPACT.

22 B. ANY STATE THAT JOINS THE COMPACT AFTER THE COMMISSION'S
23 INITIAL ADOPTION OF THE RULES IS SUBJECT TO THE RULES AS THEY EXIST
24 ON THE DATE ON WHICH THE COMPACT BECOMES LAW IN THAT STATE. ANY
25 RULE THAT HAS BEEN PREVIOUSLY ADOPTED BY THE COMMISSION HAS THE
26 FULL FORCE AND EFFECT OF LAW ON THE DAY THE COMPACT BECOMES LAW
27 IN THAT STATE.

1 C. 1. ANY MEMBER STATE MAY WITHDRAW FROM THIS COMPACT
2 BY ENACTING A STATUTE REPEALING THE COMPACT STATUTE.

3 2. A MEMBER STATE'S WITHDRAWAL DOES NOT TAKE EFFECT UNTIL
4 SIX MONTHS AFTER ENACTMENT OF THE REPEALING STATUTE.

5 3. WITHDRAWAL DOES NOT AFFECT THE CONTINUING
6 REQUIREMENT OF THE WITHDRAWING STATE'S EMS AUTHORITY TO
7 COMPLY WITH THE INVESTIGATIVE AND ADVERSE ACTION REPORTING
8 REQUIREMENTS OF THIS COMPACT PRIOR TO THE EFFECTIVE DATE OF
9 WITHDRAWAL.

10 D. NOTHING CONTAINED IN THIS COMPACT INVALIDATES OR
11 PREVENTS ANY EMS PERSONNEL LICENSURE AGREEMENT OR OTHER
12 COOPERATIVE ARRANGEMENT BETWEEN A MEMBER STATE AND A
13 NON-MEMBER STATE THAT DOES NOT CONFLICT WITH THE PROVISIONS OF
14 THIS COMPACT.

15 E. THE MEMBER STATES MAY AMEND THE COMPACT. AN
16 AMENDMENT TO THIS COMPACT IS NOT EFFECTIVE AND BINDING UPON ANY
17 MEMBER STATE UNTIL IT IS ENACTED INTO THE LAWS OF ALL MEMBER
18 STATES.

19 SECTION 15

20 CONSTRUCTION AND SEVERABILITY

21 THIS COMPACT SHALL BE LIBERALLY CONSTRUED SO AS TO
22 EFFECTUATE THE PURPOSES OF THE COMPACT. IF A COURT FINDS THAT THIS
23 COMPACT IS CONTRARY TO THE CONSTITUTION OF ANY MEMBER STATE,
24 THE COMPACT REMAINS IN FULL FORCE AND EFFECT AS TO THE REMAINING
25 MEMBER STATES. NOTHING IN THIS COMPACT SUPERSEDES STATE LAW OR
26 RULES RELATED TO LICENSURE OF EMS AGENCIES.

27 SECTION 2. In Colorado Revised Statutes, 25-3.5-203, **amend**

1 (1) (d) (III) as follows:

2 **25-3.5-203. Emergency medical service providers -**
3 **certification - renewal of certificate - duties of department - rules -**
4 **criminal history record checks - definitions.** (1) (d) (III) (A) ~~An~~
5 ~~individual serving in the armed services of the United States or the spouse~~
6 ~~of the individual~~ A VETERAN, ACTIVE MILITARY SERVICE MEMBER, OR
7 MEMBER OF THE NATIONAL GUARD AND RESERVES SEPARATING FROM AN
8 ACTIVE DUTY TOUR OR THE SPOUSE OF A VETERAN OR MEMBER may apply
9 for certification under this article while stationed OR RESIDING within this
10 state. The ~~individual or~~ VETERAN, MEMBER, OR spouse is exempt from the
11 initial certification requirements in this article, except for those in
12 subsection (4) of this section, if the ~~person~~ VETERAN, MEMBER, OR SPOUSE
13 holds a CURRENT, valid, ~~certificate or license to provide emergency~~
14 ~~medical services from another state, the certificate or license is current,~~
15 ~~and the person is in good standing~~ AND UNRESTRICTED CERTIFICATION
16 FROM THE NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS
17 (NREMT) AT OR ABOVE THE LEVEL OF STATE CERTIFICATION BEING
18 SOUGHT.

19 (B) THE DEPARTMENT SHALL EXPEDITE THE PROCESSING OF A
20 CERTIFICATION APPLICATION SUBMITTED BY A VETERAN, ACTIVE MILITARY
21 SERVICE MEMBER, OR MEMBER OF THE NATIONAL GUARD AND RESERVES
22 SEPARATING FROM AN ACTIVE DUTY TOUR OR THE SPOUSE OF A VETERAN
23 OR MEMBER.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2016 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.