

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 124, Pages 26-28,
2 Section 190.142, Lines 1 through 44, by deleting all of said lines and inserting in lieu thereof the
3 following:
4

5 "190.142. 1. (1) For applications submitted before the recognition of EMS personnel
6 licensure interstate compact under sections 334.1500 to 334.1539 takes effect, the department shall,
7 within a reasonable time after receipt of an application, cause such investigation as it deems
8 necessary to be made of the applicant for an emergency medical technician's license; and

9 (2) For applications submitted after the recognition of EMS personnel licensure interstate
10 compact under sections 334.1500 to 334.1539 takes effect, an applicant for initial licensure as an
11 emergency medical technician in this state shall submit to a background check by the Missouri state
12 highway patrol and the Federal Bureau of Investigation through a process approved by the
13 department of health and senior services. Such processes may include the use of vendors or systems
14 administered by the Missouri state highway patrol. The department may share the results of such a
15 criminal background check with any emergency services licensing agency in any member state, as
16 that term is defined under section 334.1500, of the recognition of EMS personnel licensure
17 interstate compact. The department shall not issue a license until the department receives the results
18 of an applicant's criminal background check from the Missouri state highway patrol and the Federal
19 Bureau of Investigation, but, notwithstanding this subsection, the department may issue a temporary
20 license as provided under section 190.143. Any fees due for a criminal background check shall be
21 paid by the applicant.
22

23 The director may authorize investigations into criminal records in other states for any applicant.

24 2. The department shall issue a license to all levels of emergency medical technicians, for a
25 period of five years, if the applicant meets the requirements established pursuant to sections 190.001
26 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. The
27 department may promulgate rules relating to the requirements for an emergency medical technician
28 including but not limited to:

29 (1) Age requirements;

30 (2) Education and training requirements based on respective national curricula of the United
31 States Department of Transportation and any modification to such curricula specified by the
32 department through rules adopted pursuant to sections 190.001 to 190.245;

33 (3) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through
34 the national registry of EMTs or examinations developed and administered by the department of
35 health and senior services;

36 (4) Continuing education and relicensure requirements; and

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1 (5) Ability to speak, read and write the English language.

2 3. Application for all levels of emergency medical technician license shall be made upon
3 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
4 190.245. The application form shall contain such information as the department deems necessary to
5 make a determination as to whether the emergency medical technician meets all the requirements of
6 sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

7 4. All levels of emergency medical technicians may perform only that patient care which is:

8 (1) Consistent with the training, education and experience of the particular emergency
9 medical technician; and

10 (2) Ordered by a physician or set forth in protocols approved by the medical director.

11 5. No person shall hold themselves out as an emergency medical technician or provide the
12 services of an emergency medical technician unless such person is licensed by the department.

13 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
14 under the authority delegated in this section shall become effective only if it complies with and is
15 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
16 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
17 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
18 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
19 August 28, 2002, shall be invalid and void."; and

20
21 Further amend said bill, Page 31, Section 190.165, Line 101, by inserting immediately after said
22 section and line the following:

23
24 "195.430. 1. There is hereby established in the state treasury the "Controlled Substance
25 Abuse Prevention Fund", which shall consist of moneys appropriated by the general assembly, not
26 to exceed the amount of fees collected by the department of health and senior services for the
27 issuance of registrations to manufacture, distribute, or dispense controlled substances. The state
28 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state
29 treasurer may approve disbursements. The fund shall be a dedicated fund and moneys in the fund
30 shall be used solely for the operation, regulation, enforcement, and educational activities of the
31 bureau of narcotics and dangerous drugs. The state treasurer shall invest moneys in the fund in the
32 same manner as other funds are invested. Any interest and moneys earned on such investments
33 shall be credited to the fund.

34 2. All fees authorized to be charged by the department shall be transmitted to the
35 department of revenue for deposit in the state treasury for credit to the fund, to be disbursed solely
36 for the payment of operating expenses of the bureau of narcotics and dangerous drugs to conduct
37 inspections, enforce controlled substances laws and regulations, provide education to health care
38 professionals and the public, and prevent abuse of controlled substances.

39 3. Any moneys appropriated or made available by gift, grant, bequest, contribution, or
40 otherwise to carry out the purposes of this section shall be paid to and deposited in the controlled
41 substances abuse prevention fund."; and

42
43 Further amend said bill, Page 47, Section 321.246, Line 70, by inserting after said section and line
44 the following:

45
46 "334.1500. 1. The "Recognition of EMS Personnel Licensure Interstate Compact"
47 (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining
48 therein, in the form substantially as follows in sections 334.1500 to 334.1539.

1 2. As used in sections 334.1500 to 334.1539, the following terms mean:

2 (1) "Advanced emergency medical technician" or "AEMT", an individual licensed with
3 cognitive knowledge and a scope of practice that corresponds to that level in the National EMS
4 Education Standards and National EMS Scope of Practice Model;

5 (2) "Adverse action", any administrative, civil, equitable, or criminal action permitted by a
6 state's laws that may be imposed against licensed EMS personnel by a state EMS authority or state
7 court including, but not limited to, actions against an individual's license such as revocation,
8 suspension, probation, consent agreement, monitoring or other limitation, or encumbrance on the
9 individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court
10 judgments enforcing adverse actions by the state EMS authority;

11 (3) "Certification", the successful verification of entry-level cognitive and psychomotor
12 competency using a reliable, validated, and legally defensible examination;

13 (4) "Commission", the national administrative body of which all states that have enacted the
14 compact are members;

15 (5) "Emergency medical technician" or "EMT", an individual licensed with cognitive
16 knowledge and a scope of practice that corresponds to that level in the National EMS Education
17 Standards and National EMS Scope of Practice Model;

18 (6) "EMS", emergency medical services;

19 (7) "Home state", a member state where an individual is licensed to practice emergency
20 medical services;

21 (8) "License", the authorization by a state for an individual to practice as an EMT, AEMT,
22 paramedic, or a level in between EMT and paramedic;

23 (9) "Medical director", a physician licensed in a member state who is accountable for the
24 care delivered by EMS personnel;

25 (10) "Member state", a state that has enacted this compact;

26 (11) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice
27 that corresponds to that level in the National EMS Education Standards and National EMS Scope of
28 Practice Model;

29 (12) "Privilege to practice", an individual's authority to deliver emergency medical services
30 in remote states as authorized under this compact;

31 (13) "Remote state", a member state in which an individual is not licensed;

32 (14) "Restricted", the outcome of an adverse action that limits a license or the privilege to
33 practice;

34 (15) "Rule", a written statement by the interstate commission promulgated under section
35 334.1530 of this compact that is of general applicability; implements, interprets, or prescribes a
36 policy or provision of the compact; or is an organizational, procedural, or practice requirement of
37 the commission and has the force and effect of statutory law in a member state and includes the
38 amendment, repeal, or suspension of an existing rule;

39 (16) "Scope of practice", defined parameters of various duties or services that may be
40 provided by an individual with specific credentials. Whether regulated by rule, statute, or court
41 decision, it tends to represent the limits of services an individual may perform;

42 (17) "Significant investigatory information":

43 (a) Investigative information that a state EMS authority, after a preliminary inquiry that
44 includes notification and an opportunity to respond if required by state law, has reason to believe, if
45 proven true, would result in the imposition of an adverse action on a license or privilege to practice;
46 or

47 (b) Investigative information that indicates that the individual represents an immediate
48 threat to public health and safety, regardless of whether the individual has been notified and had an

1 opportunity to respond;

2 (18) "State", any state, commonwealth, district, or territory of the United States;

3 (19) "State EMS authority", the board, office, or other agency with the legislative mandate
4 to license EMS personnel.

5 334.1503. 1. Any member state in which an individual holds a current license shall be
6 deemed a home state for purposes of this compact.

7 2. Any member state may require an individual to obtain and retain a license to be
8 authorized to practice in the member state under circumstances not authorized by the privilege to
9 practice under the terms of this compact.

10 3. A home state's license authorizes an individual to practice in a remote state under the
11 privilege to practice only if the home state:

12 (1) Currently requires the use of the National Registry of Emergency Medical Technicians
13 (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

14 (2) Has a mechanism in place for receiving and investigating complaints about individuals;

15 (3) Notifies the commission, in compliance with the terms herein, of any adverse action or
16 significant investigatory information regarding an individual;

17 (4) No later than five years after activation of the compact, requires a criminal background
18 check of all applicants for initial licensure, including the use of the results of fingerprint or other
19 biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with
20 the exception of federal employees who have suitability determination in accordance with 731 CFR
21 202 and submit documentation of such as promulgated in the rules of the commission; and

22 (5) Complies with the rules of the commission.

23 334.1506. 1. Member states shall recognize the privilege to practice of an individual
24 licensed in another member state that is in conformance with section 334.1503.

25 2. To exercise the privilege to practice under the terms and provisions of this compact, an
26 individual shall:

27 (1) Be at least eighteen years of age;

28 (2) Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic,
29 or state-recognized and licensed level with a scope of practice and authority between EMT and
30 paramedic; and

31 (3) Practice under the supervision of a medical director.

32 3. An individual providing patient care in a remote state under the privilege to practice shall
33 function within the scope of practice authorized by the home state unless and until modified by an
34 appropriate authority in the remote state, as may be defined in the rules of the commission.

35 4. Except as provided in subsection 3 of this section, an individual practicing in a remote
36 state shall be subject to the remote state's authority and laws. A remote state may, in accordance
37 with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to
38 practice in the remote state and may take any other necessary actions to protect the health and safety
39 of its citizens. If a remote state takes action, it shall promptly notify the home state and the
40 commission.

41 5. If an individual's license in any home state is restricted, suspended, or revoked, the
42 individual shall not be eligible to practice in a remote state under the privilege to practice until the
43 individual's home state license is restored.

44 6. If an individual's privilege to practice in any remote state is restricted, suspended, or
45 revoked, the individual shall not be eligible to practice in any remote state until the individual's
46 privilege to practice is restored.

47 334.1509. An individual may practice in a remote state under a privilege to practice only in
48 the performance of the individual's EMS duties as assigned by an appropriate authority, as defined

1 in the rules of the commission, and under the following circumstances:

2 (1) The individual originates a patient transport in a home state and transports the patient to
3 a remote state;

4 (2) The individual originates in the home state and enters a remote state to pick up a patient
5 and provides care and transport of the patient to the home state;

6 (3) The individual enters a remote state to provide patient care or transport within that
7 remote state;

8 (4) The individual enters a remote state to pick up a patient and provides care and transport
9 to a third member state; or

10 (5) Other conditions as determined by rules promulgated by the commission.

11 334.1512. Upon a member state's governor's declaration of a state of emergency or disaster
12 that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
13 provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict
14 with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the
15 remote state in response to such declaration.

16 334.1515. 1. Member states shall consider a veteran, active military service member, or
17 member of the National Guard and Reserves separating from an active duty tour, or a spouse
18 thereof, who holds a current, valid, and unrestricted NREMT certification at or above the level of
19 the state license being sought as satisfying the minimum training and examination requirements for
20 such licensure.

21 2. Member states shall expedite the process of licensure applications submitted by veterans,
22 active military service members, or members of the National Guard and Reserves separating from
23 an active duty tour, or their spouses.

24 3. All individuals functioning with a privilege to practice under this section remain subject
25 to the adverse action provisions of section 334.1518.

26 334.1518. 1. A home state shall have exclusive power to impose adverse action against an
27 individual's license issued by the home state.

28 2. If an individual's license in any home state is restricted, suspended, or revoked, the
29 individual shall not be eligible to practice in a remote state under the privilege to practice until the
30 individual's home state license is restored.

31 (1) All home state adverse action orders shall include a statement that the individual's
32 compact privileges are inactive. The order may allow the individual to practice in remote states
33 with prior written authorization from both the home state and the remote state's EMS authority.

34 (2) An individual currently subject to adverse action in the home state shall not practice in
35 any remote state without prior written authorization from both the home state and remote state's
36 EMS authority.

37 3. A member state shall report adverse actions and any occurrences that the individual's
38 compact privileges are restricted, suspended, or revoked to the commission in accordance with the
39 rules of the commission.

40 4. A remote state may take adverse action on an individual's privilege to practice within that
41 state.

42 5. Any member state may take adverse action against an individual's privilege to practice in
43 that state based on the factual findings of another member state, so long as each state follows its
44 own procedures for imposing such adverse action.

45 6. A home state's EMS authority shall coordinate investigative activities, share information
46 via the coordinated database, and take appropriate action with respect to reported conduct in a
47 remote state as it would if such conduct had occurred within the home state. In such cases, the
48 home state's law shall control in determining the appropriate adverse action.

1 7. Nothing in this compact shall override a member state's decision that participation in an
2 alternative program may be used in lieu of adverse action and that such participation shall remain
3 nonpublic if required by the member state's laws. Member states shall require individuals who enter
4 any alternative programs to agree not to practice in any other member state during the term of the
5 alternative program without prior authorization from such other member state.

6 334.1521. A member state's EMS authority, in addition to any other powers granted under
7 state law, is authorized under this compact to:

8 (1) Issue subpoenas for both hearings and investigations that require the attendance and
9 testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS
10 authority for the attendance and testimony of witnesses or the production of evidence from another
11 member state shall be enforced in the remote state by any court of competent jurisdiction according
12 to that court's practice and procedure in considering subpoenas issued in its own proceedings. The
13 issuing state's EMS authority shall pay any witness fees, travel expenses, mileage, and other fees
14 required by the service statutes of the state where the witnesses or evidence is located; and

15 (2) Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to
16 practice in the state.

17 334.1524. 1. The compact states hereby create and establish a joint public agency known as
18 the "Interstate Commission for EMS Personnel Practice".

19 (1) The commission is a body politic and an instrumentality of the compact states.

20 (2) Venue is proper and judicial proceedings by or against the commission shall be brought
21 solely and exclusively in a court of competent jurisdiction where the principal office of the
22 commission is located. The commission may waive venue and jurisdictional defenses to the extent
23 it adopts or consents to participate in alternative dispute resolution proceedings.

24 (3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

25 2. Each member state shall have and be limited to one delegate. The responsible official of
26 the state EMS authority or his or her designee shall be the delegate to this compact for each member
27 state. Any delegate may be removed or suspended from office as provided by the law of the state
28 from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in
29 accordance with the laws of the member state in which the vacancy exists. In the event that more
30 than one board, office, or other agency with the legislative mandate to license EMS personnel at and
31 above the level of EMT exists, the governor of the state will determine which entity will be
32 responsible for assigning the delegate.

33 (1) Each delegate shall be entitled to one vote with regard to the promulgation of rules and
34 creation of bylaws, and shall otherwise have an opportunity to participate in the business and affairs
35 of the commission. A delegate shall vote in person or by such other means as provided in the
36 bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other
37 means of communication.

38 (2) The commission shall meet at least once during each calendar year. Additional meetings
39 shall be held as set forth in the bylaws.

40 (3) All meetings shall be open to the public, and public notice of meetings shall be given in
41 the same manner as required under the rulemaking provisions in section 334.1530.

42 (4) The commission may convene in a closed, nonpublic meeting if the commission must
43 discuss:

44 (a) Noncompliance of a member state with its obligations under the compact;

45 (b) The employment, compensation, discipline or other personnel matters, practices, or
46 procedures related to specific employees, or other matters related to the commission's internal
47 personnel practices and procedures;

48 (c) Current, threatened, or reasonably anticipated litigation;

- 1 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;
2 (e) Accusing any person of a crime or formally censuring any person;
3 (f) Disclosure of trade secrets or commercial or financial information that is privileged or
4 confidential;
5 (g) Disclosure of information of a personal nature if disclosure would constitute a clearly
6 unwarranted invasion of personal privacy;
7 (h) Disclosure of investigatory records compiled for law enforcement purposes;
8 (i) Disclosure of information related to any investigatory reports prepared by or on behalf of
9 or for use of the commission or other committee charged with responsibility of investigation or
10 determination of compliance issues pursuant to the compact; or
11 (j) Matters specifically exempted from disclosure by federal or member state statute.
12 (5) If a meeting or portion of a meeting is closed under this section, the commission's legal
13 counsel or designee shall certify that the meeting may be closed and shall reference each relevant
14 exempting provision. The commission shall keep minutes that fully and clearly describe all matters
15 discussed in a meeting and shall provide a full and accurate summary of actions taken and the
16 reasons therefor, including a description of the views expressed. All documents considered in
17 connection with an action shall be identified in such minutes. All minutes and documents of a
18 closed meeting shall remain under seal, subject to release by a majority vote of the commission or
19 order of a court of competent jurisdiction.
20 3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to
21 govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the
22 powers of the compact including, but not limited to:
23 (1) Establishing the fiscal year of the commission;
24 (2) Providing reasonable standards and procedures:
25 (a) For the establishment and meetings of other committees; and
26 (b) Governing any general or specific delegation of any authority or function of the
27 commission;
28 (3) Providing reasonable procedures for calling and conducting meetings of the
29 commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for
30 attendance of such meetings by interested parties, with enumerated exceptions designed to protect
31 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.
32 The commission may meet in closed session only after a majority of the membership votes to close
33 a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of
34 the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
35 (4) Establishing the titles, duties and authority, and reasonable procedures for the election of
36 the officers of the commission;
37 (5) Providing reasonable standards and procedures for the establishment of the personnel
38 policies and programs of the commission. Notwithstanding any civil service or other similar laws
39 of any member state, the bylaws shall exclusively govern the personnel policies and programs of the
40 commission;
41 (6) Promulgating a code of ethics to address permissible and prohibited activities of
42 commission members and employees;
43 (7) Providing a mechanism for winding up the operations of the commission and the
44 equitable disposition of any surplus funds that may exist after the termination of the compact after
45 the payment or reserving of all of its debts and obligations;
46 (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any
47 amendment thereto, with the appropriate agency or officer in each of the member states, if any;
48 (9) The commission shall maintain its financial records in accordance with the bylaws; and

1 (10) The commission shall meet and take such actions as are consistent with the provisions
2 of this compact and the bylaws.

3 4. The commission shall have the following powers:

4 (1) To promulgate uniform rules to facilitate and coordinate implementation and
5 administration of this compact. The rules shall have the force and effect of law and shall be binding
6 on all member states;

7 (2) To bring and prosecute legal proceedings or actions in the name of the commission;
8 provided that, the standing of any state EMS authority or other regulatory body responsible for
9 EMS personnel licensure to sue or be sued under applicable law shall not be affected;

10 (3) To purchase and maintain insurance and bonds;

11 (4) To borrow, accept, or contract for services of personnel including, but not limited to,
12 employees of a member state;

13 (5) To hire employees, elect or appoint officers, fix compensation, define duties, grant such
14 individuals appropriate authority to carry out the purposes of the compact, and to establish the
15 commission's personnel policies and programs relating to conflicts of interest, qualifications of
16 personnel, and other related personnel matters;

17 (6) To accept any and all appropriate donations and grants of money, equipment, supplies,
18 materials, and services, and to receive, utilize, and dispose of the same; provided that, at all times
19 the commission shall strive to avoid any appearance of impropriety and conflict of interest;

20 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
21 improve, or use any property, real, personal, or mixed; provided that, at all times the commission
22 shall strive to avoid any appearance of impropriety;

23 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of
24 any property, real, personal, or mixed;

25 (9) To establish a budget and make expenditures;

26 (10) To borrow money;

27 (11) To appoint committees, including advisory committees comprised of members, state
28 regulators, state legislators or their representatives, consumer representatives, and such other
29 interested persons as may be designated in this compact and the bylaws;

30 (12) To provide and receive information from, and to cooperate with, law enforcement
31 agencies;

32 (13) To adopt and use an official seal; and

33 (14) To perform such other functions as may be necessary or appropriate to achieve the
34 purposes of this compact consistent with the state regulation of EMS personnel licensure and
35 practice.

36 5. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of
37 its establishment, organization, and ongoing activities.

38 (2) The commission may accept any and all appropriate revenue sources, donations, and
39 grants of money, equipment, supplies, materials, and services.

40 (3) The commission may levy on and collect an annual assessment from each member state
41 or impose fees on other parties to cover the cost of the operations and activities of the commission
42 and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each
43 year for which revenue is not provided by other sources. The aggregate annual assessment amount
44 shall be allocated based upon a formula to be determined by the commission, which shall
45 promulgate a rule binding upon all member states.

46 (4) The commission shall not incur obligations of any kind prior to securing the funds
47 adequate to meet the same; nor shall the commission pledge the credit of any of the member states,
48 except by and with the authority of the member state.

1 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
2 receipts and disbursements of the commission shall be subject to the audit and accounting
3 procedures established under its bylaws. However, all receipts and disbursements of funds handled
4 by the commission shall be audited yearly by a certified or licensed public accountant, and the
5 report of the audit shall be included in and become part of the annual report of the commission.

6 6. (1) The members, officers, executive director, employees, and representatives of the
7 commission shall be immune from suit and liability, either personally or in their official capacity,
8 for any claim, damage to or loss of property, personal injury, or other civil liability caused by or
9 arising out of any actual or alleged act, error, or omission that occurred or that the person against
10 whom the claim is made had a reasonable basis for believing occurred within the scope of
11 commission employment, duties, or responsibilities; provided that, nothing in this subdivision shall
12 be construed to protect any such person from suit or liability for any damage, loss, injury, or
13 liability caused by the intentional, willful, or wanton misconduct of that person.

14 (2) The commission shall defend any member, officer, executive director, employee, or
15 representative of the commission in any civil action seeking to impose liability arising out of any
16 actual or alleged act, error, or omission that occurred within the scope of commission employment,
17 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
18 for believing occurred within the scope of commission employment, duties, or responsibilities;
19 provided that, nothing herein shall be construed to prohibit that person from retaining his or her own
20 counsel; and provided further, that the actual or alleged act, error, or omission did not result from
21 that person's intentional, willful, or wanton misconduct.

22 (3) The commission shall indemnify and hold harmless any member, officer, executive
23 director, employee, or representative of the commission for the amount of any settlement or
24 judgment obtained against that person arising out of any actual or alleged act, error, or omission that
25 occurred within the scope of commission employment, duties, or responsibilities, or that such
26 person had a reasonable basis for believing occurred within the scope of commission employment,
27 duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result
28 from the intentional, willful, or wanton misconduct of the person.

29 334.1527. 1. The commission shall provide for the development and maintenance of a
30 coordinated database and reporting system containing licensure, adverse action, and significant
31 investigatory information on all licensed individuals in member states.

32 2. Notwithstanding any other provision of state law to the contrary, a member state shall
33 submit a uniform data set to the coordinated database on all individuals to whom this compact is
34 applicable as required by the rules of the commission, including:

35 (1) Identifying information;

36 (2) Licensure data;

37 (3) Significant investigatory information;

38 (4) Adverse actions against an individual's license;

39 (5) An indicator that an individual's privilege to practice is restricted, suspended, or
40 revoked;

41 (6) Nonconfidential information related to alternative program participation;

42 (7) Any denial of application for licensure and the reasons for such denial; and

43 (8) Other information that may facilitate the administration of this compact, as determined
44 by the rules of the commission.

45 3. The coordinated database administrator shall promptly notify all member states of any
46 adverse action taken against, or significant investigative information on, any individual in a member
47 state.

48 4. Member states contributing information to the coordinated database may designate

1 information that shall not be shared with the public without the express permission of the
2 contributing state.

3 5. Any information submitted to the coordinated database that is subsequently required to be
4 expunged by the laws of the member state contributing the information shall be removed from the
5 coordinated database.

6 334.1530. 1. The commission shall exercise its rulemaking powers pursuant to the criteria
7 set forth in this section and the rules adopted thereunder. Rules and amendments shall become
8 binding as of the date specified in each rule or amendment.

9 2. If a majority of the legislatures of the member states rejects a rule by enactment of a
10 statute or resolution in the same manner used to adopt the compact, then such rule shall have no
11 further force and effect in any member state.

12 3. Rules or amendments to the rules shall be adopted at a regular or special meeting of the
13 commission.

14 4. Prior to promulgation and adoption of a final rule or rules by the commission, and at least
15 sixty days in advance of the meeting at which the rule or rules will be considered and voted upon,
16 the commission shall file a notice of proposed rulemaking:

17 (1) On the website of the commission; and

18 (2) On the website of each member state's EMS authority or the publication in which each
19 state would otherwise publish proposed rules.

20 5. The notice of proposed rulemaking shall include:

21 (1) The proposed time, date, and location of the meeting at which the rule will be
22 considered and voted upon;

23 (2) The text of the proposed rule or amendment and the reason for the proposed rule;

24 (3) A request for comments on the proposed rule from any interested person; and

25 (4) The manner in which interested parties may submit notice to the commission of their
26 intention to attend the public hearing and any written comments.

27 6. Prior to adoption of a proposed rule, the commission shall allow persons to submit
28 written data, facts, opinions, and arguments that shall be made available to the public.

29 7. The commission shall grant an opportunity for a public hearing before it adopts a rule or
30 amendment if a hearing is requested by:

31 (1) At least twenty-five persons;

32 (2) A governmental subdivision or agency; or

33 (3) An association having at least twenty-five members.

34 8. If a hearing is held on the proposed rule or amendment, the commission shall publish the
35 place, time, and date of the scheduled public hearing.

36 (1) All persons wishing to be heard at the hearing shall notify the executive director of the
37 commission or other designated member in writing of their desire to appear and testify at the
38 hearing not less than five business days before the scheduled date of the hearing.

39 (2) Hearings shall be conducted in a manner providing each person who wishes to comment
40 a fair and reasonable opportunity to comment orally or in writing.

41 (3) No transcript of the hearing is required, unless a written request for a transcript is made,
42 in which case the person requesting the transcript shall bear the cost of producing the transcript. A
43 recording may be made in lieu of a transcript under the same terms and conditions as a transcript.
44 This subdivision shall not preclude the commission from making a transcript or recording of the
45 hearing if it so chooses.

46 (4) Nothing in this section shall be construed as requiring a separate hearing on each rule.
47 Rules may be grouped for the convenience of the commission at hearings required by this section.

48 9. Following the scheduled hearing date, or by the close of business on the scheduled

1 hearing date if the hearing was not held, the commission shall consider all written and oral
2 comments received.

3 10. The commission shall, by majority vote of all members, take final action on the
4 proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking
5 record and the full text of the rule.

6 11. If no written notice of intent to attend the public hearing by interested parties is
7 received, the commission may proceed with promulgation of the proposed rule without a public
8 hearing.

9 12. Upon determination that an emergency exists, the commission may consider and adopt
10 an emergency rule without prior notice, opportunity for comment, or hearing; provided that, the
11 usual rulemaking procedures provided in the compact and in this section shall be retroactively
12 applied to the rule as soon as reasonably possible, in no event later than ninety days after the
13 effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be
14 adopted immediately in order to:

15 (1) Meet an imminent threat to public health, safety, or welfare;

16 (2) Prevent a loss of commission or member state funds;

17 (3) Meet a deadline for the promulgation of an administrative rule that is established by
18 federal law or rule; or

19 (4) Protect public health and safety.

20 13. The commission or an authorized committee of the commission may direct revisions to
21 a previously adopted rule or amendment for purposes of correcting typographical errors, errors in
22 format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted
23 on the website of the commission. The revision shall be subject to challenge by any person for a
24 period of thirty days after posting. The revision may be challenged only on grounds that the
25 revision results in a material change to a rule. A challenge shall be made in writing and delivered to
26 the chair of the commission prior to the end of the notice period. If no challenge is made, the
27 revision will take effect without further action. If the revision is challenged, the revision may not
28 take effect without the approval of the commission.

29 334.1533. 1. The executive, legislative, and judicial branches of state government in each
30 member state shall enforce this compact and take all actions necessary and appropriate to effectuate
31 the compact's purposes and intent. The provisions of this compact and the rules promulgated
32 hereunder shall have standing as statutory law.

33 2. All courts shall take judicial notice of the compact and the rules in any judicial or
34 administrative proceedings in a member state pertaining to the subject matter of this compact which
35 may affect the powers, responsibilities, or actions of the commission.

36 3. The commission shall be entitled to receive service of process in any such proceeding and
37 shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of
38 process to the commission shall render a judgment or order void as to the commission, this compact,
39 or promulgated rules.

40 4. If the commission determines that a member state has defaulted in the performance of its
41 obligations or responsibilities under this compact or the promulgated rules, the commission shall:

42 (1) Provide written notice to the defaulting state and other member states of the nature of
43 the default, the proposed means of curing the default, or any other action to be taken by the
44 commission; and

45 (2) Provide remedial training and specific technical assistance regarding the default.

46 5. If a state in default fails to cure the default, the defaulting state may be terminated from
47 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges,
48 and benefits conferred by this compact may be terminated on the effective date of termination. A

1 cure of the default does not relieve the offending state of obligations or liabilities incurred during
2 the period of default.

3 6. Termination of membership in the compact shall be imposed only after all other means of
4 securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given
5 by the commission to the governor, the majority and minority leaders of the defaulting state's
6 legislature, and each of the member states.

7 7. A state that has been terminated is responsible for all assessments, obligations, and
8 liabilities incurred through the effective date of termination, including obligations that extend
9 beyond the effective date of termination.

10 8. The commission shall not bear any costs related to a state that is found to be in default or
11 that has been terminated from the compact unless agreed upon in writing between the commission
12 and the defaulting state.

13 9. The defaulting state may appeal the action of the commission by petitioning the United
14 States District Court for the District of Columbia or the federal district where the commission has its
15 principal offices. The prevailing member shall be awarded all costs of such litigation, including
16 reasonable attorney's fees.

17 10. Upon a request by a member state, the commission shall attempt to resolve disputes
18 related to the compact that arise among member states and between member and nonmember states.

19 11. The commission shall promulgate a rule providing for both mediation and binding
20 dispute resolution for disputes as appropriate.

21 12. The commission, in the reasonable exercise of its discretion, shall enforce the provisions
22 and rules of this compact.

23 13. By majority vote, the commission may initiate legal action in the United States District
24 Court for the District of Columbia or the federal district where the commission has its principal
25 offices against a member state in default to enforce compliance with the provisions of the compact
26 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and
27 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all
28 costs of such litigation, including reasonable attorney's fees.

29 14. The remedies herein shall not be the exclusive remedies of the commission. The
30 commission may pursue any other remedies available under federal or state law.

31 334.1536. 1. The compact shall come into effect on the date on which the compact statute
32 is enacted into law in the tenth member state. The provisions, which become effective at that time,
33 shall be limited to the powers granted to the commission relating to assembly and the promulgation
34 of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the
35 implementation and administration of the compact.

36 2. Any state that joins the compact subsequent to the commission's initial adoption of the
37 rules shall be subject to the rules as they exist on the date on which the compact becomes law in that
38 state. Any rule that has been previously adopted by the commission shall have the full force and
39 effect of law on the day the compact becomes law in that state.

40 3. Any member state may withdraw from this compact by enacting a statute repealing the
41 same.

42 (1) A member state's withdrawal shall not take effect until six months after enactment of the
43 repealing statute.

44 (2) Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS
45 authority to comply with the investigative and adverse action reporting requirements of this act prior
46 to the effective date of withdrawal.

47 4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS
48 personnel licensure agreement or other cooperative arrangement between a member state and a

1 nonmember state that does not conflict with the provisions of this compact.

2 5. This compact may be amended by the member states. No amendment to this compact
3 shall become effective and binding upon any member state until it is enacted into the laws of all
4 member states.

5 334.1539. This compact shall be liberally construed so as to effectuate the purposes thereof.
6 If this compact shall be held contrary to the constitution of any member state thereto, the compact
7 shall remain in full force and effect as to the remaining member states. Nothing in this compact
8 supersedes state law or rules related to licensure of EMS agencies."; and

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.
12
13