

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 194, Page 1, Section A, Line 2, by inserting immediately after said section
2 and line the following:

3
4 "190.142. 1. (1) For applications submitted before the recognition of EMS personnel
5 licensure interstate compact under sections 334.1500 to 334.1539 takes effect, the department shall,
6 within a reasonable time after receipt of an application, cause such investigation as it deems
7 necessary to be made of the applicant for an emergency medical technician's license; and

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

21
22 The director may authorize investigations into criminal records in other states for any applicant.

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

28 (1) Age requirements;

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

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

35 (4) Continuing education and relicensure requirements; and

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

Action Taken _____ Date _____

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

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

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

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

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

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

19 334.1500. 1. The "Recognition of EMS Personnel Licensure Interstate Compact"
20 (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally joining
21 therein, in the form substantially as follows in sections 334.1500 to 334.1539.

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

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

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

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

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

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

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

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

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

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

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

47 (11) "Paramedic", an individual licensed with cognitive knowledge and a scope of practice
48 that corresponds to that level in the National EMS Education Standards and National EMS Scope of

1 Practice Model:

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

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

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

7 (15) "Rule", a written statement by the interstate commission promulgated under section
 8 334.1530 of this compact that is of general applicability; implements, interprets, or prescribes a
 9 policy or provision of the compact; or is an organizational, procedural, or practice requirement of
 10 the commission and has the force and effect of statutory law in a member state and includes the
 11 amendment, repeal, or suspension of an existing rule;

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

15 (17) "Significant investigatory information":

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

20 (b) Investigative information that indicates that the individual represents an immediate
 21 threat to public health and safety, regardless of whether the individual has been notified and had an
 22 opportunity to respond;

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

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

26 334.1503. 1. Any member state in which an individual holds a current license shall be
 27 deemed a home state for purposes of this compact.

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

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

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

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

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

38 (4) No later than five years after activation of the compact, requires a criminal background
 39 check of all applicants for initial licensure, including the use of the results of fingerprint or other
 40 biometric data checks compliant with the requirements of the Federal Bureau of Investigation, with
 41 the exception of federal employees who have suitability determination in accordance with 731 CFR
 42 202 and submit documentation of such as promulgated in the rules of the commission; and

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

44 334.1506. 1. Member states shall recognize the privilege to practice of an individual
 45 licensed in another member state that is in conformance with section 334.1503.

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

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

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

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

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

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

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

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

20 334.1509. An individual may practice in a remote state under a privilege to practice only in
21 the performance of the individual's EMS duties as assigned by an appropriate authority, as defined
22 in the rules of the commission, and under the following circumstances:

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

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

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

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

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

32 334.1512. Upon a member state's governor's declaration of a state of emergency or disaster
33 that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
34 provisions of EMAC shall apply, and to the extent any terms or provisions of this compact conflict
35 with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the
36 remote state in response to such declaration.

37 334.1515. 1. Member states shall consider a veteran, active military service member, or
38 member of the National Guard and Reserves separating from an active duty tour, or a spouse
39 thereof, who holds a current, valid, and unrestricted NREMT certification at or above the level of
40 the state license being sought as satisfying the minimum training and examination requirements for
41 such licensure.

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

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

47 334.1518. 1. A home state shall have exclusive power to impose adverse action against an
48 individual's license issued by the home state.

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

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

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

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

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

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

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

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

27 334.1521. A member state's EMS authority, in addition to any other powers granted under
28 state law, is authorized under this compact to:

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

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

38 334.1524. 1. The compact states hereby create and establish a joint public agency known as
39 the "Interstate Commission for EMS Personnel Practice".

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

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

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

46 2. Each member state shall have and be limited to one delegate. The responsible official of
47 the state EMS authority or his or her designee shall be the delegate to this compact for each member
48 state. Any delegate may be removed or suspended from office as provided by the law of the state

1 from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in
 2 accordance with the laws of the member state in which the vacancy exists. In the event that more
 3 than one board, office, or other agency with the legislative mandate to license EMS personnel at and
 4 above the level of EMT exists, the governor of the state will determine which entity will be
 5 responsible for assigning the delegate.

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

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

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

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

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

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

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

22 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;

23 (e) Accusing any person of a crime or formally censuring any person;

24 (f) Disclosure of trade secrets or commercial or financial information that is privileged or
 25 confidential;

26 (g) Disclosure of information of a personal nature if disclosure would constitute a clearly
 27 unwarranted invasion of personal privacy;

28 (h) Disclosure of investigatory records compiled for law enforcement purposes;

29 (i) Disclosure of information related to any investigatory reports prepared by or on behalf of
 30 or for use of the commission or other committee charged with responsibility of investigation or
 31 determination of compliance issues pursuant to the compact; or

32 (j) Matters specifically exempted from disclosure by federal or member state statute.

33 (5) If a meeting or portion of a meeting is closed under this section, the commission's legal
 34 counsel or designee shall certify that the meeting may be closed and shall reference each relevant
 35 exempting provision. The commission shall keep minutes that fully and clearly describe all matters
 36 discussed in a meeting and shall provide a full and accurate summary of actions taken and the
 37 reasons therefor, including a description of the views expressed. All documents considered in
 38 connection with an action shall be identified in such minutes. All minutes and documents of a
 39 closed meeting shall remain under seal, subject to release by a majority vote of the commission or
 40 order of a court of competent jurisdiction.

41 3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to
 42 govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the
 43 powers of the compact including, but not limited to:

44 (1) Establishing the fiscal year of the commission;

45 (2) Providing reasonable standards and procedures:

46 (a) For the establishment and meetings of other committees; and

47 (b) Governing any general or specific delegation of any authority or function of the
 48 commission;

1 (3) Providing reasonable procedures for calling and conducting meetings of the
2 commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for
3 attendance of such meetings by interested parties, with enumerated exceptions designed to protect
4 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.
5 The commission may meet in closed session only after a majority of the membership votes to close
6 a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of
7 the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

8 (4) Establishing the titles, duties and authority, and reasonable procedures for the election of
9 the officers of the commission;

10 (5) Providing reasonable standards and procedures for the establishment of the personnel
11 policies and programs of the commission. Notwithstanding any civil service or other similar laws
12 of any member state, the bylaws shall exclusively govern the personnel policies and programs of the
13 commission;

14 (6) Promulgating a code of ethics to address permissible and prohibited activities of
15 commission members and employees;

16 (7) Providing a mechanism for winding up the operations of the commission and the
17 equitable disposition of any surplus funds that may exist after the termination of the compact after
18 the payment or reserving of all of its debts and obligations;

19 (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any
20 amendment thereto, with the appropriate agency or officer in each of the member states, if any;

21 (9) The commission shall maintain its financial records in accordance with the bylaws; and

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

24 4. The commission shall have the following powers:

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

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

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

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

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

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

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

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

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

47 (10) To borrow money;

48 (11) To appoint committees, including advisory committees comprised of members, state

1 regulators, state legislators or their representatives, consumer representatives, and such other
2 interested persons as may be designated in this compact and the bylaws;

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

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

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

9 5. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of
10 its establishment, organization, and ongoing activities.

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

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

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

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

27 6. (1) The members, officers, executive director, employees, and representatives of the
28 commission shall be immune from suit and liability, either personally or in their official capacity,
29 for any claim, damage to or loss of property, personal injury, or other civil liability caused by or
30 arising out of any actual or alleged act, error, or omission that occurred or that the person against
31 whom the claim is made had a reasonable basis for believing occurred within the scope of
32 commission employment, duties, or responsibilities; provided that, nothing in this subdivision shall
33 be construed to protect any such person from suit or liability for any damage, loss, injury, or
34 liability caused by the intentional, willful, or wanton misconduct of that person.

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

43 (3) The commission shall indemnify and hold harmless any member, officer, executive
44 director, employee, or representative of the commission for the amount of any settlement or
45 judgment obtained against that person arising out of any actual or alleged act, error, or omission that
46 occurred within the scope of commission employment, duties, or responsibilities, or that such
47 person had a reasonable basis for believing occurred within the scope of commission employment,
48 duties, or responsibilities; provided that, the actual or alleged act, error, or omission did not result

1 from the intentional, willful, or wanton misconduct of the person.

2 334.1527. 1. The commission shall provide for the development and maintenance of a
3 coordinated database and reporting system containing licensure, adverse action, and significant
4 investigatory information on all licensed individuals in member states.

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

8 (1) Identifying information;

9 (2) Licensure data;

10 (3) Significant investigatory information;

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

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

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

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

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

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

21 4. Member states contributing information to the coordinated database may designate
22 information that shall not be shared with the public without the express permission of the
23 contributing state.

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

27 334.1530. 1. The commission shall exercise its rulemaking powers pursuant to the criteria
28 set forth in this section and the rules adopted thereunder. Rules and amendments shall become
29 binding as of the date specified in each rule or amendment.

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

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

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

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

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

41 5. The notice of proposed rulemaking shall include:

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

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

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

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

48 6. Prior to adoption of a proposed rule, the commission shall allow persons to submit

1 written data, facts, opinions, and arguments that shall be made available to the public.

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

4 (1) At least twenty-five persons;

5 (2) A governmental subdivision or agency; or

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

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

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

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

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

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

21 9. Following the scheduled hearing date, or by the close of business on the scheduled
22 hearing date if the hearing was not held, the commission shall consider all written and oral
23 comments received.

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

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

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

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

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

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

40 (4) Protect public health and safety.

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

1 take effect without the approval of the commission.

2 334.1533. 1. The executive, legislative, and judicial branches of state government in each
3 member state shall enforce this compact and take all actions necessary and appropriate to effectuate
4 the compact's purposes and intent. The provisions of this compact and the rules promulgated
5 hereunder shall have standing as statutory law.

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

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

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

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

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

19 5. If a state in default fails to cure the default, the defaulting state may be terminated from
20 the compact upon an affirmative vote of a majority of the member states, and all rights, privileges,
21 and benefits conferred by this compact may be terminated on the effective date of termination. A
22 cure of the default does not relieve the offending state of obligations or liabilities incurred during
23 the period of default.

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

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

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

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

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

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

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

44 13. By majority vote, the commission may initiate legal action in the United States District
45 Court for the District of Columbia or the federal district where the commission has its principal
46 offices against a member state in default to enforce compliance with the provisions of the compact
47 and its promulgated rules and bylaws. The relief sought may include both injunctive relief and
48 damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all

1 costs of such litigation, including reasonable attorney's fees.

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

4 334.1536. 1. The compact shall come into effect on the date on which the compact statute
5 is enacted into law in the tenth member state. The provisions, which become effective at that time,
6 shall be limited to the powers granted to the commission relating to assembly and the promulgation
7 of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the
8 implementation and administration of the compact.

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

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

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

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

20 4. Nothing contained in this compact shall be construed to invalidate or prevent any EMS
21 personnel licensure agreement or other cooperative arrangement between a member state and a
22 nonmember state that does not conflict with the provisions of this compact.

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

26 334.1539. This compact shall be liberally construed so as to effectuate the purposes thereof.
27 If this compact shall be held contrary to the constitution of any member state thereto, the compact
28 shall remain in full force and effect as to the remaining member states. Nothing in this compact
29 supersedes state law or rules related to licensure of EMS agencies."; and

30
31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.