

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 100
99TH GENERAL ASSEMBLY

0563H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 190.142, RSMo, and to enact in lieu thereof fifteen new sections relating to emergency medical services personnel.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 190.142, RSMo, is repealed and fifteen new sections enacted in lieu thereof, to be known as sections 190.142, 334.1500, 334.1503, 334.1506, 334.1509, 334.1512, 334.1515, 334.1518, 334.1521, 334.1524, 334.1527, 334.1530, 334.1533, 334.1536, and 334.1539, to read as follows:

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **may issue a temporary license as provided under section 190.143. Any fees due for a**
18 **criminal background check shall be paid by the applicant.**

19

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

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

26 (1) Age requirements;

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

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

33 (4) Continuing education and relicensure requirements; and

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

35 3. Application for all levels of emergency medical technician license shall be made upon
36 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
37 190.245. The application form shall contain such information as the department deems
38 necessary to make a determination as to whether the emergency medical technician meets all the
39 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
40 to 190.245.

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

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

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

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

49 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
50 under the authority delegated in this section shall become effective only if it complies with and
51 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
52 and chapter 536 are nonseverable and if any of the powers vested with the general assembly

53 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
54 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
55 proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

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

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

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

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

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

(6) "EMS", emergency medical services;

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

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

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

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

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

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

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

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

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

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

46 (17) "Significant investigatory information":

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

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

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

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

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

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

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

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

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

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

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

21 **(5) Complies with the rules of the commission.**

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

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

5 **(1) Be at least eighteen years of age;**

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

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

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

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

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

23 **6. If an individual's privilege to practice in any remote state is restricted,**
24 **suspended, or revoked, the individual shall not be eligible to practice in any remote state**
25 **until the individual's privilege to practice is restored.**

334.1509. An individual may practice in a remote state under a privilege to practice
2 **only in the performance of the individual's EMS duties as assigned by an appropriate**

3 authority, as defined in the rules of the commission, and under the following
4 circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

10 **(2) An individual currently subject to adverse action in the home state shall not**
11 **practice in any remote state without prior written authorization from both the home state**
12 **and remote state’s EMS authority.**

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

16 **4. A remote state may take adverse action on an individual's privilege to practice**
17 **within that state.**

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

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

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

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

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

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

334.1524. 1. The compact states hereby create and establish a joint public agency
2 **known as the “Interstate Commission for EMS Personnel Practice”.**

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

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

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

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

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

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

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

29 **(4) The commission may convene in a closed, nonpublic meeting if the commission**
30 **must discuss:**

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

32 **(b) The employment, compensation, discipline or other personnel matters,**
33 **practices, or procedures related to specific employees, or other matters related to the**
34 **commission's internal personnel practices and procedures;**

35 **(c) Current, threatened, or reasonably anticipated litigation;**

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

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

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

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

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

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

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

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

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

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

62 (2) Providing reasonable standards and procedures:

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

64 (b) Governing any general or specific delegation of any authority or function of the
65 commission;

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

74 **(4) Establishing the titles, duties and authority, and reasonable procedures for the**
75 **election of the officers of the commission;**

76 **(5) Providing reasonable standards and procedures for the establishment of the**
77 **personnel policies and programs of the commission. Notwithstanding any civil service or**
78 **other similar laws of any member state, the bylaws shall exclusively govern the personnel**
79 **policies and programs of the commission;**

80 **(6) Promulgating a code of ethics to address permissible and prohibited activities**
81 **of commission members and employees;**

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

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

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

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

92 **4. The commission shall have the following powers:**

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

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

100 **(3) To purchase and maintain insurance and bonds;**

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

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

107 **(6) To accept any and all appropriate donations and grants of money, equipment,**
108 **supplies, materials, and services, and to receive, utilize, and dispose of the same; provided**

109 that, at all times the commission shall strive to avoid any appearance of impropriety and
110 conflict of interest;

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

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

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

117 (10) To borrow money;

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

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

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

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

127 5. (1) The commission shall pay, or provide for the payment of, the reasonable
128 expenses of its establishment, organization, and ongoing activities.

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

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

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

141 (5) The commission shall keep accurate accounts of all receipts and disbursements.
142 The receipts and disbursements of the commission shall be subject to the audit and
143 accounting procedures established under its bylaws. However, all receipts and
144 disbursements of funds handled by the commission shall be audited yearly by a certified

145 or licensed public accountant, and the report of the audit shall be included in and become
146 part of the annual report of the commission.

147 **6. (1) The members, officers, executive director, employees, and representatives of**
148 **the commission shall be immune from suit and liability, either personally or in their official**
149 **capacity, for any claim, damage to or loss of property, personal injury, or other civil**
150 **liability caused by or arising out of any actual or alleged act, error, or omission that**
151 **occurred or that the person against whom the claim is made had a reasonable basis for**
152 **believing occurred within the scope of commission employment, duties, or responsibilities;**
153 **provided that, nothing in this subdivision shall be construed to protect any such person**
154 **from suit or liability for any damage, loss, injury, or liability caused by the intentional,**
155 **willful, or wanton misconduct of that person.**

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

165 **(3) The commission shall indemnify and hold harmless any member, officer,**
166 **executive director, employee, or representative of the commission for the amount of any**
167 **settlement or judgment obtained against that person arising out of any actual or alleged**
168 **act, error, or omission that occurred within the scope of commission employment, duties,**
169 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
170 **the scope of commission employment, duties, or responsibilities; provided that, the actual**
171 **or alleged act, error, or omission did not result from the intentional, willful, or wanton**
172 **misconduct of the person.**

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

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

7 **(1) Identifying information;**

8 **(2) Licensure data;**

- 9 **(3) Significant investigatory information;**
10 **(4) Adverse actions against an individual's license;**
11 **(5) An indicator that an individual's privilege to practice is restricted, suspended,**
12 **or revoked;**
13 **(6) Nonconfidential information related to alternative program participation;**
14 **(7) Any denial of application for licensure and the reasons for such denial; and**
15 **(8) Other information that may facilitate the administration of this compact, as**
16 **determined by the rules of the commission.**

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

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

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

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

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

7 **3. Rules or amendments to the rules shall be adopted at a regular or special meeting**
8 **of the commission.**

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

12 **(1) On the website of the commission; and**

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

15 **5. The notice of proposed rulemaking shall include:**

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

18 **(2) The text of the proposed rule or amendment and the reason for the proposed**
19 **rule;**

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

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

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

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

28 (1) At least twenty-five persons;

29 (2) A governmental subdivision or agency; or

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

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

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

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

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

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

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

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

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

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

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

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

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

66 **(4) Protect public health and safety.**

67 **13. The commission or an authorized committee of the commission may direct**
68 **revisions to a previously adopted rule or amendment for purposes of correcting**
69 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
70 **Public notice of any revisions shall be posted on the website of the commission. The**
71 **revision shall be subject to challenge by any person for a period of thirty days after**
72 **posting. The revision may be challenged only on grounds that the revision results in a**
73 **material change to a rule. A challenge shall be made in writing and delivered to the chair**
74 **of the commission prior to the end of the notice period. If no challenge is made, the**
75 **revision will take effect without further action. If the revision is challenged, the revision**
76 **may not take effect without the approval of the commission.**

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

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

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

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

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

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

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

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

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

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

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

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

42 **11. The commission shall promulgate a rule providing for both mediation and**
43 **binding dispute resolution for disputes as appropriate.**

44 **12. The commission, in the reasonable exercise of its discretion, shall enforce the**
45 **provisions and rules of this compact.**

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

51 the prevailing member shall be awarded all costs of such litigation, including reasonable
52 attorney's fees.

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

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

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

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

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

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

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

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

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

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