

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 31

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

AN ACT

RELATING TO INTERGOVERNMENTAL AGREEMENTS; ENACTING THE  
EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE  
COMPACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Emergency Medical Services Personnel Licensure  
Interstate Compact".

SECTION 2. [NEW MATERIAL] STATE AUTHORITY AND  
OBJECTIVES.--In order to protect the public through  
verification of competency and ensure accountability for  
patient-care-related activities, all states license emergency  
medical services personnel, such as emergency medical  
technicians, advanced emergency medical technicians and  
paramedics. This compact is intended to facilitate the day-to-

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1 day movement of emergency medical services personnel across  
2 state boundaries in the performance of their emergency medical  
3 services duties as assigned by an appropriate authority and  
4 authorize state emergency medical services offices to afford  
5 immediate legal recognition to emergency medical services  
6 personnel licensed in a member state. This compact recognizes  
7 that states have a vested interest in protecting the public's  
8 health and safety through their licensing and regulation of  
9 emergency medical services personnel and that the state  
10 regulation shared among the member states will best protect  
11 public health and safety. This compact is designed to:

- 12 A. increase public access to emergency medical  
13 services personnel;
- 14 B. enhance the states' ability to protect the  
15 public's health and safety, especially patient safety;
- 16 C. encourage the cooperation of member states in  
17 the areas of emergency medical services personnel licensure and  
18 regulation;
- 19 D. support the licensing of military members who  
20 are separating from an active duty tour and their spouses;
- 21 E. facilitate the exchange of information between  
22 member states regarding emergency medical services personnel  
23 licensure, adverse action and significant investigatory  
24 information;
- 25 F. promote compliance with the laws governing

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1 emergency medical services personnel practice in each member  
2 state; and

3 G. invest all member states with the authority to  
4 hold emergency medical services personnel accountable through  
5 the mutual recognition of member state licenses.

6 SECTION 3. [NEW MATERIAL] DEFINITIONS.--As used in the  
7 Emergency Medical Services Personnel Licensure Interstate  
8 Compact:

9 A. "advanced emergency medical technician" means an  
10 individual licensed with cognitive knowledge and a scope of  
11 practice that corresponds to that level in the national  
12 emergency medical services education standards and the national  
13 emergency medical services scope of practice model;

14 B. "adverse action" means any administrative,  
15 civil, equitable or criminal action permitted by a state's laws  
16 that may be imposed against licensed emergency medical services  
17 personnel by a state emergency medical services authority or  
18 state court, including actions against an individual's license,  
19 such as revocation, suspension, probation, consent agreement,  
20 monitoring or other limitation or encumbrance on the  
21 individual's practice, letters of reprimand or admonition,  
22 fines, criminal convictions and state court judgments enforcing  
23 adverse actions by the state emergency medical services  
24 authority;

25 C. "alternative program" means a voluntary, non-

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1 disciplinary substance abuse recovery program approved by a  
2 state emergency medical services authority;

3 D. "certification" means the successful  
4 verification of entry-level cognitive and psychomotor  
5 competency using a reliable, validated and legally defensible  
6 examination;

7 E. "commission" means the interstate commission for  
8 emergency medical services personnel practice;

9 F. "compact" means the Emergency Medical Services  
10 Personnel Licensure Interstate Compact;

11 G. "emergency medical technician" means an  
12 individual licensed with cognitive knowledge and a scope of  
13 practice that corresponds to that level in the national  
14 emergency medical services education standards and the national  
15 emergency medical services scope of practice model;

16 H. "home state" means a member state where an  
17 individual is licensed to practice emergency medical services;

18 I. "license" means the authorization by a state for  
19 an individual to practice as an emergency medical technician,  
20 advanced emergency medical technician, paramedic or a level in  
21 between emergency medical technician and paramedic;

22 J. "medical director" means a physician licensed in  
23 a member state who is accountable for the care delivered by  
24 emergency medical services personnel;

25 K. "member state" means a state that has enacted

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1 this compact;

2 L. "privilege to practice" means an individual's  
3 authority to deliver emergency medical services in remote  
4 states as authorized under this compact;

5 M. "paramedic" means an individual licensed with  
6 cognitive knowledge and a scope of practice that corresponds to  
7 that level in the national emergency medical services education  
8 standards and the national emergency medical services scope of  
9 practice model;

10 N. "remote state" means a member state in which an  
11 individual is not licensed;

12 O. "restricted" means the outcome of an adverse  
13 action that limits a license or the privilege to practice;

14 P. "rule" means a written statement by the  
15 commission promulgated pursuant to Section 13 of this compact  
16 that is of general applicability; implements, interprets or  
17 prescribes a policy or provision of this compact; or is an  
18 organizational, procedural or practice requirement of the  
19 commission and has the force and effect of statutory law in a  
20 member state and includes the amendment, repeal or suspension  
21 of an existing rule;

22 Q. "scope of practice" means defined parameters of  
23 various duties or services that may be provided by an  
24 individual with specific credentials. Whether regulated by  
25 rule, statute or court decision, "scope of practice" represents

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1 the limits of services an individual may perform;

2 R. "significant investigatory information" means  
3 investigative information that:

4 (1) a state emergency medical services  
5 authority, after a preliminary inquiry that includes  
6 notification and an opportunity to respond if required by state  
7 law, has reason to believe, if proved true, would result in the  
8 imposition of an adverse action on a license or privilege to  
9 practice; or

10 (2) indicates that the individual represents  
11 an immediate threat to public health and safety, regardless of  
12 whether the individual has been notified and had an opportunity  
13 to respond;

14 S. "state" means any state, commonwealth, district  
15 or territory of the United States; and

16 T. "state emergency medical services authority"  
17 means the board, office or other agency with the legislative  
18 mandate to license emergency medical services personnel.

19 SECTION 4. [NEW MATERIAL] HOME STATE LICENSURE.--

20 A. Any member state in which an individual holds a  
21 current license shall be deemed a home state for purposes of  
22 this compact.

23 B. Any member state may require an individual to  
24 obtain and retain a license to be authorized to practice in the  
25 member state under circumstances not authorized by the

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1 privilege to practice under the terms of this compact.

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

5 (1) requires the use of the national registry  
6 of emergency medical technicians examination as a condition of  
7 issuing initial licenses at the emergency medical technician  
8 and paramedic levels;

9 (2) has a mechanism in place for receiving and  
10 investigating complaints about individuals;

11 (3) notifies the commission, in compliance  
12 with the terms of this compact, of any adverse action or  
13 significant investigatory information regarding an individual;

14 (4) no later than five years after initial  
15 activation of this compact, requires a criminal background  
16 check of all applicants for initial licensure, including the  
17 use of the results of fingerprint or other biometric data  
18 checks compliant with the requirements of the federal bureau of  
19 investigation with the exception of federal employees who have  
20 suitability determination in accordance with the Code of  
21 Federal Regulations and submit documentation of such as  
22 promulgated in the rules of the commission; and

23 (5) complies with the rules of the commission.

24 SECTION 5. [NEW MATERIAL] COMPACT PRIVILEGE TO  
25 PRACTICE.--

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1           A. Member states shall recognize the privilege to  
2 practice of an individual licensed in another member state that  
3 is in conformance with Section 4 of the Emergency Medical  
4 Services Personnel Licensure Interstate Compact.

5           B. To exercise the privilege to practice under the  
6 terms and provisions of this compact, an individual shall:

7                   (1) be at least eighteen years of age;

8                   (2) possess a current unrestricted license in  
9 a member state as an emergency medical technician, an advanced  
10 emergency medical technician or a paramedic or be at a state-  
11 recognized and -licensed level with a scope of practice and  
12 authority between emergency medical technician and paramedic;  
13 and

14                   (3) practice under the supervision of a  
15 medical director.

16           C. An individual providing patient care in a remote  
17 state under the privilege to practice shall function within the  
18 scope of practice authorized by the home state unless and until  
19 modified by an appropriate authority in the remote state, as  
20 may be defined in the rules of the commission.

21           D. Except as provided in Subsection C of this  
22 section, an individual practicing in a remote state shall be  
23 subject to the remote state's authority and laws. A remote  
24 state may, in accordance with due process and that state's  
25 laws, restrict, suspend or revoke an individual's privilege to

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1 practice in the remote state and may take any other necessary  
2 actions to protect the health and safety of its residents. If  
3 a remote state takes such action, it shall promptly notify the  
4 home state and the commission.

5 E. If an individual's license in any home state is  
6 restricted or suspended, the individual shall not be eligible  
7 to practice in a remote state under the privilege to practice  
8 until the individual's home state license is restored.

9 F. If an individual's privilege to practice in any  
10 remote state is restricted, suspended or revoked, the  
11 individual shall not be eligible to practice in any remote  
12 state until the individual's privilege to practice is restored.

13 SECTION 6. [NEW MATERIAL] CONDITIONS OF PRACTICE IN A  
14 REMOTE STATE.--An individual may practice in a remote state  
15 under a privilege to practice only in the performance of the  
16 individual's emergency medical services duties as assigned by  
17 an appropriate authority, as defined in the rules of the  
18 commission, and under the following circumstances:

19 A. the individual originates a patient transport in  
20 a home state and transports the patient to a remote state;

21 B. the individual originates in the home state and  
22 enters a remote state to pick up a patient and provide care and  
23 transport of the patient to the home state;

24 C. the individual enters a remote state to provide  
25 patient care or transport within that remote state;

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1           D. the individual enters a remote state to pick up  
2 a patient and provide care and transport to a third member  
3 state; and

4           E. other conditions as determined by rules  
5 promulgated by the commission.

6           **SECTION 7. [NEW MATERIAL] RELATIONSHIP TO EMERGENCY**  
7 **MANAGEMENT ASSISTANCE COMPACT.--**Upon a member state's  
8 governor's declaration of a state of emergency or disaster that  
9 activates the Emergency Management Assistance Compact, all  
10 relevant terms and provisions of the Emergency Management  
11 Assistance Compact shall apply, and to the extent any terms or  
12 provisions of this compact conflict with the Emergency  
13 Management Assistance Compact, the terms of the Emergency  
14 Management Assistance Compact shall prevail with respect to any  
15 individual practicing in the remote state in response to such  
16 declaration.

17           **SECTION 8. [NEW MATERIAL] VETERANS, SERVICE MEMBERS**  
18 **SEPARATING FROM ACTIVE DUTY MILITARY AND THEIR SPOUSES.--**

19           A. Member states shall consider a veteran, an  
20 active military service member or a member of the national  
21 guard and reserves separating from an active duty tour, and a  
22 spouse thereof, who holds a current valid and unrestricted  
23 national registry of emergency medical technicians  
24 certification at or above the level of the state license being  
25 sought as satisfying the minimum training and examination

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1 requirements for the licensure.

2 B. Member states shall expedite the processing of  
3 licensure applications submitted by veterans, active military  
4 service members and members of the national guard and reserves  
5 that are separating from an active duty tour and their spouses.

6 C. All individuals functioning with a privilege to  
7 practice under this section remain subject to the adverse  
8 actions provisions of Section 9 of the Emergency Medical  
9 Services Personnel Licensure Interstate Compact.

10 SECTION 9. [NEW MATERIAL] ADVERSE ACTIONS.--

11 A. A home state has exclusive power to impose  
12 adverse action against an individual's license issued by the  
13 home state.

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

18 (1) adverse action orders issued by a home  
19 state's emergency medical services authority shall include a  
20 statement that the individual's compact privileges are  
21 inactive. An order may allow the individual to practice in  
22 remote states with prior written authorization from both the  
23 home state and remote state's state emergency medical services  
24 authority; and

25 (2) individual subject to adverse action in

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1 the home state shall not practice in any remote state without  
2 prior written authorization from both the home state's and  
3 remote state's state emergency medical services authority.

4 C. A member state shall report adverse actions and  
5 any occurrences that the individual's compact privileges are  
6 restricted, suspended or revoked to the commission in  
7 accordance with the rules of the commission.

8 D. A remote state may take adverse action on an  
9 individual's privilege to practice in that state.

10 E. Any member state may take adverse action against  
11 an individual's privilege to practice in that state based on  
12 the factual findings of another member state, so long as each  
13 state follows its own procedures for imposing such adverse  
14 action.

15 F. A home state's state emergency medical services  
16 authority shall investigate and take appropriate action with  
17 respect to reported conduct in a remote state as it would if  
18 such conduct had occurred in the home state. In such cases,  
19 the home state's law shall control in determining the  
20 appropriate adverse action.

21 G. Nothing in this compact shall override a member  
22 state's decision that participation in an alternative program  
23 may be used in lieu of adverse action and that such  
24 participation shall remain nonpublic if required by the member  
25 state's laws. Member states shall require individuals who

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1 enter any alternative programs to agree not to practice in any  
2 other member state during the term of the alternative program  
3 without prior authorization from the other member state.

4 SECTION 10. [NEW MATERIAL] ADDITIONAL POWERS INVESTED IN  
5 A MEMBER STATE'S STATE EMERGENCY MEDICAL SERVICES AUTHORITY.--A  
6 member state's state emergency medical services authority, in  
7 addition to any other powers granted under state law, is  
8 authorized under this compact to issue:

9 A. subpoenas for both hearings and investigations  
10 that require the attendance and testimony of witnesses and the  
11 production of evidence. Subpoenas issued by a member state's  
12 state emergency medical services authority for the attendance  
13 and testimony of witnesses, or the production of evidence from  
14 another member state, shall be enforced in the remote state by  
15 any court of competent jurisdiction, according to that court's  
16 practice and procedure in considering subpoenas issued in its  
17 own proceedings. The issuing state emergency medical services  
18 authority shall pay any witness fees, travel expenses, mileage  
19 and other fees required by the service statutes of the state  
20 where the witnesses or evidence are located; and

21 B. cease-and-desist orders to restrict, suspend or  
22 revoke an individual's privilege to practice in the state.

23 SECTION 11. [NEW MATERIAL] ESTABLISHMENT OF THE  
24 INTERSTATE COMMISSION FOR EMERGENCY MEDICAL SERVICES PERSONNEL  
25 PRACTICE.--

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1           A. The member states hereby create and establish a  
2 joint public agency known as the "interstate commission for  
3 emergency medical services personnel practice". The commission  
4 is a body politic and an instrumentality of the member states.  
5 Venue is proper, and judicial proceedings by or against the  
6 commission shall be brought solely and exclusively in a court  
7 of competent jurisdiction where the principal office of the  
8 commission is located. The commission may waive venue and  
9 jurisdictional defenses to the extent it adopts or consents to  
10 participate in alternative dispute resolution proceedings.  
11 Nothing in this compact shall be construed to be a waiver of  
12 sovereign immunity.

13           B. Membership, voting and meetings of the  
14 commission shall proceed as follows:

15                   (1) each member state shall have and be  
16 limited to one delegate. The responsible official of the state  
17 emergency medical services authority or the official's designee  
18 shall be the delegate to this compact for each member state.  
19 Any delegate may be removed or suspended from office as  
20 provided by the law of the state from which the delegate is  
21 appointed. Any vacancy occurring in the commission shall be  
22 filled in accordance with the laws of the member state in which  
23 the vacancy exists. In the event that more than one board,  
24 office or other agency with the legislative mandate to license  
25 emergency medical services personnel at and above the level of

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1 emergency medical technician exists, the governor of the state  
2 shall determine which entity shall be responsible for assigning  
3 the delegate;

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

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

14 (4) all meetings shall be open to the public,  
15 and public notice of meetings shall be given in the same manner  
16 as required under the rulemaking provisions in Section 13 of  
17 the Emergency Medical Services Personnel Licensure Interstate  
18 Compact;

19 (5) the commission may convene in a closed,  
20 nonpublic meeting if the commission is discussing:

21 (a) noncompliance of a member state with  
22 its obligations under this compact;

23 (b) the employment, compensation,  
24 discipline or other personnel matters, practices or procedures  
25 related to specific employees or other matters related to the

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1 commission's internal personnel practices and procedures;

2 (c) current, threatened or reasonably  
3 anticipated litigation;

4 (d) negotiation of contracts for the  
5 purchase or sale of goods, services or real estate;

6 (e) accusing any person of a crime or  
7 formally censuring any person;

8 (f) disclosure of trade secrets or  
9 commercial or financial information that is privileged or  
10 confidential;

11 (g) disclosure of information of a  
12 personal nature where disclosure would constitute a clearly  
13 unwarranted invasion of personal privacy;

14 (h) disclosure of investigatory records  
15 compiled for law enforcement purposes;

16 (i) disclosure of information related to  
17 any investigatory reports prepared by or on behalf of or for  
18 use of the commission or other committee charged with  
19 responsibility of investigation or determination of compliance  
20 issues pursuant to this compact; or

21 (j) matters specifically exempted from  
22 disclosure by federal or member state statute; and

23 (6) if a meeting, or portion of a meeting, is  
24 closed pursuant to this provision, the commission's legal  
25 counsel or designee shall certify that the meeting may be

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1 closed and shall reference each relevant exempting provision.  
2 The commission shall keep minutes that fully and clearly  
3 describe all matters discussed in a meeting and shall provide a  
4 full and accurate summary of actions taken, and the reasons  
5 therefore, including a description of the views expressed. All  
6 documents considered in connection with an action shall be  
7 identified in the minutes. All minutes and documents of a  
8 closed meeting shall remain under seal, subject to release by a  
9 majority vote of the commission or order of a court of  
10 competent jurisdiction.

11 C. The commission shall, by a majority vote of the  
12 delegates, prescribe bylaws or rules to govern the commission's  
13 conduct as may be necessary or appropriate to carry out the  
14 purposes and exercise the powers of this compact, including:

15 (1) establishing the fiscal year of the  
16 commission;

17 (2) providing reasonable standards and  
18 procedures:

19 (a) for the establishment and meetings  
20 of other committees; and

21 (b) governing any general or specific  
22 delegation of any authority or function of the commission;

23 (3) providing reasonable procedures for  
24 calling and conducting meetings of the commission, ensuring  
25 reasonable advance notice of all meetings and providing an

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

10 (4) establishing the titles, duties, authority  
11 and reasonable procedures for the election of the officers of  
12 the commission;

13 (5) providing reasonable standards and  
14 procedures for the establishment of the personnel policies and  
15 programs of the commission. Notwithstanding any civil service  
16 or other similar laws of any member state, the bylaws shall  
17 exclusively govern the personnel policies and programs of the  
18 commission;

19 (6) promulgating a code of ethics to address  
20 permissible and prohibited activities of commission members and  
21 employees;

22 (7) providing a mechanism for winding up the  
23 operations of the commission and the equitable disposition of  
24 any surplus funds that may exist after the termination of this  
25 compact after the payment or reserving of all of the

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1 commission's debts and obligations; and

2 (8) publishing the commission's bylaws and  
3 filing a copy thereof, and a copy of any amendment to the  
4 bylaws, with the appropriate agency or officer in each of the  
5 member states, if any.

6 D. The commission shall:

7 (1) maintain the commission's financial  
8 records in accordance with the bylaws; and

9 (2) meet and take actions that are consistent  
10 with the provisions of this compact and the bylaws.

11 E. The commission has the following powers:

12 (1) the authority to promulgate uniform rules  
13 to facilitate and coordinate implementation and administration  
14 of this compact. The rules shall have the force and effect of  
15 law and shall be binding in all member states;

16 (2) to bring and prosecute legal proceedings  
17 or actions in the name of the commission; provided that the  
18 standing of any state emergency medical services authority or  
19 other regulatory body responsible for emergency medical  
20 services personnel licensure to sue or be sued under applicable  
21 law shall not be affected;

22 (3) to purchase and maintain insurance and  
23 bonds;

24 (4) to borrow, accept or contract for services  
25 of personnel, including employees of a member state;

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1 (5) to hire employees, elect or appoint  
2 officers, fix compensation, define duties, grant individuals  
3 appropriate authority to carry out the purposes of this compact  
4 and establish the commission's personnel policies and programs  
5 relating to conflicts of interest, qualifications of personnel  
6 and other related personnel matters;

7 (6) to accept any and all appropriate  
8 donations and grants of money, equipment, supplies, materials  
9 and services and to receive, use and dispose of the same;  
10 provided that at all times, the commission shall strive to  
11 avoid any appearance of impropriety or conflict of interest;

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

17 (8) to sell, convey, mortgage, pledge, lease,  
18 exchange, abandon or otherwise dispose of any property real,  
19 personal or mixed;

20 (9) to establish a budget and make  
21 expenditures;

22 (10) to borrow money;

23 (11) to appoint committees, including advisory  
24 committees composed of members, state regulators, state  
25 legislators or their representatives, consumer representatives

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1 and other interested persons as may be designated in this  
2 compact and the bylaws;

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

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

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

10 F. The commission shall be financed as follows:

11 (1) the commission shall pay, or provide for  
12 the payment of, the reasonable expenses of its establishment,  
13 organization and ongoing activities;

14 (2) the commission may accept any and all  
15 appropriate revenue sources, donations and grants of money,  
16 equipment, supplies, materials and services;

17 (3) the commission may levy on and collect an  
18 annual assessment from each member state or impose fees on  
19 other parties to cover the cost of the operations and  
20 activities of the commission and the commission's staff, which  
21 shall be in a total amount sufficient to cover the commission's  
22 annual budget as approved each year for which revenue is not  
23 provided by other sources. The aggregate annual assessment  
24 amount shall be allocated based upon a formula to be determined  
25 by the commission, which shall promulgate a rule binding upon

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1 all member states;

2 (4) the commission shall not incur obligations  
3 of any kind prior to securing the funds adequate to meet the  
4 same; nor shall the commission pledge the credit of any of the  
5 member states, except by and with the authority of the member  
6 state; and

7 (5) the commission shall keep accurate  
8 accounts of all receipts and disbursements. The receipts and  
9 disbursements of the commission shall be subject to the audit  
10 and accounting procedures established under the commission's  
11 bylaws. All receipts and disbursements of funds handled by the  
12 commission shall be audited yearly by a certified or licensed  
13 public accountant, and the report of the audit shall be  
14 included in and become part of the annual report of the  
15 commission.

16 G. With respect to qualified immunity, defense and  
17 indemnification:

18 (1) the members, officers, executive director,  
19 employees and representatives of the commission shall be immune  
20 from suit and liability, either personally or in their official  
21 capacity, for any claim for damage to or loss of property or  
22 personal injury or other civil liability caused by or arising  
23 out of any actual or alleged act, error or omission that  
24 occurred, or that the person against whom the claim is made had  
25 a reasonable basis for believing occurred within the scope of

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1 commission employment, duties or responsibilities; provided  
2 that nothing in this paragraph shall be construed to protect  
3 any such person from suit or liability for any damage, loss,  
4 injury or liability caused by the intentional or willful or  
5 wanton misconduct of that person;

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

19 (3) the commission shall indemnify and hold  
20 harmless any member, officer, executive director, employee or  
21 representative of the commission for the amount of any  
22 settlement or judgment obtained against that person arising out  
23 of any actual or alleged act, error or omission that occurred  
24 within the scope of commission employment, duties or  
25 responsibilities, or that the person had a reasonable basis for

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1 believing occurred within the scope of commission employment,  
2 duties or responsibilities; provided that the actual or alleged  
3 act, error or omission did not result from the intentional or  
4 willful or wanton misconduct of that person.

5 SECTION 12. [NEW MATERIAL] COORDINATED DATABASE.--

6 A. The commission shall provide for the development  
7 and maintenance of a coordinated database and reporting system  
8 containing licensure, adverse action and significant  
9 investigatory information on all licensed individuals in member  
10 states.

11 B. Notwithstanding any other provision of state law  
12 to the contrary, a member state shall submit a uniform data set  
13 to the coordinated database on all individuals to whom this  
14 compact is applicable as required by the rules of the  
15 commission, including:

- 16 (1) identifying information;
- 17 (2) licensure data;
- 18 (3) significant investigatory information;
- 19 (4) adverse actions against an individual's  
20 license;
- 21 (5) an indicator that an individual's  
22 privilege to practice is restricted, suspended or revoked;
- 23 (6) nonconfidential information related to  
24 alternative program participation;
- 25 (7) any denial of application for licensure

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1 and the reason for the denial; and

2 (8) other information that may facilitate the  
3 administration of this compact, as determined by the rules of  
4 the commission.

5 C. The coordinated database administrator shall  
6 promptly notify all member states of any adverse action taken  
7 against, or significant investigative information on, any  
8 individual in a member state.

9 D. Member states contributing information to the  
10 coordinated database may designate information that may not be  
11 shared with the public without the express permission of the  
12 contributing state.

13 E. Any information submitted to the coordinated  
14 database that is subsequently required to be expunged by the  
15 laws of the member state contributing the information shall be  
16 removed from the coordinated database.

17 SECTION 13. [NEW MATERIAL] RULEMAKING.--

18 A. The commission shall exercise the commission's  
19 rulemaking powers pursuant to the criteria set forth in this  
20 section and the rules adopted pursuant to this section. Rules  
21 and amendments shall become binding as of the date specified in  
22 each rule or amendment.

23 B. If a majority of the legislatures of the member  
24 states rejects a rule, by enactment of a statute or resolution  
25 in the same manner used to adopt this compact, then such rule

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1 shall have no further force and effect in any member state.

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

4 D. Prior to promulgation and adoption of a final  
5 rule or rules by the commission, and at least sixty days in  
6 advance of the meeting at which the rule will be considered and  
7 voted upon, the commission shall file a notice of proposed  
8 rulemaking on the website of:

9 (1) the commission; and

10 (2) each member state's state emergency  
11 medical services authority or the publication in which each  
12 state would otherwise publish proposed rules.

13 E. The notice of proposed rulemaking shall include:

14 (1) the proposed time, date and location of  
15 the meeting in which the rule will be considered and voted  
16 upon;

17 (2) the text of the proposed rule or amendment  
18 and the reason for the proposed rule;

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

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

24 F. Prior to adoption of a proposed rule, the  
25 commission shall allow persons to submit written data, facts,

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1 opinions and arguments, which shall be made available to the  
2 public.

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

- 6 (1) at least twenty-five persons;
- 7 (2) a governmental subdivision or agency; or
- 8 (3) an association having at least twenty-five  
9 members.

10 H. If a hearing is held on the proposed rule or  
11 amendment, the commission shall publish the place, time and  
12 date of the scheduled public hearing. With respect to  
13 hearings:

14 (1) all persons wishing to be heard at the  
15 hearing shall notify the executive director of the commission  
16 or other designated member in writing of the person's desire to  
17 appear and testify at the hearing no less than five business  
18 days before the scheduled date of the hearing;

19 (2) hearings shall be conducted in a manner  
20 providing each person who wishes to comment a fair and  
21 reasonable opportunity to comment orally or in writing;

22 (3) no transcript of the hearing is required,  
23 unless a written request for a transcript is made, in which  
24 case the person requesting the transcript shall bear the cost  
25 of producing the transcript. A recording may be made in lieu

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1 of a transcript under the same terms and conditions as a  
2 transcript. This paragraph shall not preclude the commission  
3 from making a transcript or recording of the hearing if the  
4 commission so chooses; and

5 (4) nothing in this section shall be construed  
6 as requiring a separate hearing on each rule. Rules may be  
7 grouped for the convenience of the commission at hearings  
8 required by this section.

9 I. Following the scheduled hearing date, or by the  
10 close of business on the scheduled hearing date if the hearing  
11 was not held, the commission shall consider all written and  
12 oral comments received.

13 J. The commission shall, by majority vote of all  
14 members, take final action on the proposed rule and shall  
15 determine the effective date of the rule, if any, based on the  
16 rulemaking record and the full text of the rule.

17 K. If no written notice of intent to attend the  
18 public hearing by interested parties is received, the  
19 commission may proceed with promulgation of the proposed rule  
20 without a public hearing.

21 L. Upon determination that an emergency exists, the  
22 commission may consider and adopt an emergency rule without  
23 prior notice, opportunity for comment or hearing; provided that  
24 the usual rulemaking procedures provided in this compact and in  
25 this section shall be retroactively applied to the rule as soon

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1 as reasonably possible, in no event later than ninety days  
2 after the effective date of the rule. For the purposes of this  
3 provision, an emergency rule is one that must be adopted  
4 immediately in order to:

5 (1) meet an imminent threat to public health,  
6 safety or welfare;

7 (2) prevent a loss of commission or member  
8 state funds;

9 (3) meet a deadline for the promulgation of an  
10 administrative rule that is established by federal law or rule;  
11 or

12 (4) protect public health and safety.

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

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1 effect without the approval of the commission.

2 SECTION 14. [NEW MATERIAL] OVERSIGHT, DISPUTE RESOLUTION  
3 AND ENFORCEMENT.--

4 A. The executive, legislative and judicial branches  
5 of state government in each member state shall enforce this  
6 compact and take all actions necessary and appropriate to  
7 effectuate this compact's purposes and intent. The provisions  
8 of this compact and the rules promulgated pursuant to this  
9 compact shall have the force of law.

10 B. All courts shall take judicial notice of this  
11 compact and the rules in any judicial or administrative  
12 proceeding in a member state pertaining to the subject matter  
13 of this compact that may affect the powers, responsibilities or  
14 actions of the commission.

15 C. The commission is entitled to receive service of  
16 process in any proceeding and has standing to intervene in such  
17 a proceeding for all purposes. Failure to provide service of  
18 process to the commission shall render a judgment or order void  
19 as to the commission, this compact or promulgated rules.

20 D. If the commission determines that a member state  
21 has defaulted in the performance of its obligations or  
22 responsibilities under this compact or the promulgated rules,  
23 the commission shall provide:

24 (1) written notice to the defaulting state and  
25 other member states of the nature of the default, the proposed

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1 means of curing the default or any other action to be taken by  
2 the commission; and

3 (2) remedial training and specific technical  
4 assistance regarding the default.

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

12 F. Termination of membership in this compact shall  
13 be imposed only after all other means of securing compliance  
14 have been exhausted. Notice of intent to suspend or terminate  
15 shall be given by the commission to the defaulting state's  
16 governor, the majority and minority leaders of the defaulting  
17 state's legislature and each of the member states.

18 G. A state that has been terminated is responsible  
19 for all assessments, obligations and liabilities incurred  
20 through the effective date of termination, including  
21 obligations that extend beyond the effective date of  
22 termination.

23 H. The commission shall not bear any costs related  
24 to a state that is found to be in default or that has been  
25 terminated from this compact, unless agreed upon in writing

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1 between the commission and the defaulting state.

2 I. The defaulting state may appeal the action of  
3 the commission by petitioning the United States district court  
4 for the District of Columbia or the federal district where the  
5 commission has its principal offices. The prevailing member  
6 shall be awarded all costs of the litigation, including  
7 reasonable attorney fees.

8 J. Upon request by a member state, the commission  
9 shall attempt to resolve disputes related to this compact that  
10 arise among member states and between member and nonmember  
11 states. The commission shall promulgate a rule providing for  
12 both mediation and binding dispute resolution for disputes as  
13 appropriate.

14 K. With respect to enforcement of this compact:

15 (1) the commission, in the reasonable exercise  
16 of its discretion, shall enforce the provisions and rules of  
17 this compact;

18 (2) by majority vote, the commission may  
19 initiate legal action in the United States district court for  
20 the District of Columbia or the federal district where the  
21 commission has its principal offices against a member state in  
22 default to enforce compliance with the provisions of this  
23 compact and its promulgated rules and bylaws. The relief  
24 sought may include both injunctive relief and damages. In the  
25 event that judicial enforcement is necessary, the prevailing

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1 party shall be awarded all costs of the litigation, including  
2 reasonable attorney fees; and

3 (3) the remedies provided in this compact  
4 shall not be the exclusive remedies of the commission. The  
5 commission may pursue any other remedies available under  
6 federal or state law.

7 SECTION 15. [NEW MATERIAL] DATE OF IMPLEMENTATION OF THE  
8 INTERSTATE COMMISSION FOR EMERGENCY MEDICAL SERVICES PERSONNEL  
9 PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT.--

10 A. This compact shall come into effect on the date  
11 on which this compact statute is enacted into law in the tenth  
12 member state. The provisions, which become effective at that  
13 time, shall be limited to the powers granted to the commission  
14 relating to assembly and the promulgation of rules.

15 Thereafter, the commission shall meet and exercise rulemaking  
16 powers necessary to the implementation and administration of  
17 this compact.

18 B. Any state that joins this compact subsequent to  
19 the commission's initial adoption of the rules shall be subject  
20 to the rules as they exist on the date on which this compact  
21 becomes law in that state. Any rule that has been previously  
22 adopted by the commission shall have the full force and effect  
23 of law on the day this compact becomes law in that state.

24 C. Any member state may withdraw from this compact  
25 by enacting a statute repealing the same. Withdrawal:

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1 (1) by a member state shall not take effect  
2 until six months after enactment of the repealing statute; and

3 (2) shall not affect the continuing  
4 requirement of the withdrawing state's state emergency medical  
5 services authority to comply with the investigative and adverse  
6 action reporting requirements of this compact prior to the  
7 effective date of withdrawal.

8 D. Nothing contained in this compact shall be  
9 construed to invalidate or prevent any emergency medical  
10 services personnel licensure agreement or other cooperative  
11 arrangement between a member state and a nonmember state that  
12 does not conflict with the provisions of this compact.

13 E. This compact may be amended by the member  
14 states. No amendment to this compact shall become effective  
15 and binding upon any member state until the amendment is  
16 enacted into the laws of all member states.

17 SECTION 16. [NEW MATERIAL] CONSTRUCTION AND  
18 SEVERABILITY.--This compact shall be liberally construed so as  
19 to effectuate the purposes of this compact. If this compact  
20 shall be held contrary to the constitution of any member state  
21 thereto, this compact shall remain in full force and effect as  
22 to the remaining member states. Nothing in this compact  
23 supersedes state law or rules related to licensure of emergency  
24 medical services agencies.