

**First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 15-0595.01 Christy Chase x2008

**HOUSE BILL 15-1015**

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**HOUSE SPONSORSHIP**

**Winter,** Lebsock

**SENATE SPONSORSHIP**

**Cooke,**

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**House Committees**

Public Health Care & Human Services  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**Bill Summary**

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

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

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

HOUSE  
3rd Reading Unamended  
February 19, 2015

HOUSE  
Amended 2nd Reading  
February 13, 2015



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

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

## 25 SECTION 2

### 26 DEFINITIONS

27 AS USED IN THIS COMPACT:

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

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

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

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

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

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

1 MODEL.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

4 5. COMPLIES WITH THE RULES OF THE COMMISSION.

5 SECTION 4

6 COMPACT PRIVILEGE TO PRACTICE

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

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

12 1. BE AT LEAST EIGHTEEN YEARS OF AGE;

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

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

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

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

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

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

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

## 13 SECTION 5

### 14 CONDITIONS OF PRACTICE IN A REMOTE STATE

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

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

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

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

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

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

4 SECTION 6  
5 RELATIONSHIP TO EMERGENCY MANAGEMENT  
6 ASSISTANCE COMPACT

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

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

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

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

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

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

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

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

8 SECTION 8

9 ADVERSE ACTIONS

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

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

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

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

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

1 ACCORDANCE WITH THE RULES OF THE COMMISSION.

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

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

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

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

21 SECTION 9

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

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

27 1. ISSUE SUBPOENAS FOR BOTH HEARINGS AND INVESTIGATIONS

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

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

## 14 SECTION 10

### 15 ESTABLISHMENT OF THE INTERSTATE COMMISSION 16 FOR EMS PERSONNEL PRACTICE

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

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

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

1           4. NOTHING IN THIS COMPACT WAIVES SOVEREIGN IMMUNITY.

2           B. MEMBERSHIP, VOTING, AND MEETINGS.

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

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

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

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

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

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

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

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

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

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

19 AND

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

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

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

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

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

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

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

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

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

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

3 G. THE COMMISSION HAS THE FOLLOWING POWERS:

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

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

13 3. TO PURCHASE AND MAINTAIN INSURANCE AND BONDS;

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

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

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

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

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

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

7 9. TO ESTABLISH A BUDGET AND MAKE EXPENDITURES;

8 10. TO BORROW MONEY;

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

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

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

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

21 H. FINANCING OF THE COMMISSION.

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

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

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

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

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

22           I. QUALIFIED IMMUNITY, DEFENSE, AND INDEMNIFICATION.

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

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

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

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

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

4 SECTION 11  
5 COORDINATED DATABASE

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

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

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

1 THE COMMISSION.

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

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

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

## 14 SECTION 12

### 15 RULEMAKING

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

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

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

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

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

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

7 E. THE NOTICE OF PROPOSED RULEMAKING MUST INCLUDE:

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

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

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

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

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

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

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

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

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

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

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

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

1 RECORD AND THE FULL TEXT OF THE RULE.

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

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

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

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

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

20 OR

21 4. PROTECT PUBLIC HEALTH AND SAFETY.

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

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

8 SECTION 13  
9 OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

10 A. OVERSIGHT.

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

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

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

1           B. DEFAULT, TECHNICAL ASSISTANCE, AND TERMINATION.

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

3           DEFAULTED IN THE PERFORMANCE OF ITS OBLIGATIONS OR

4           RESPONSIBILITIES UNDER THIS COMPACT OR THE PROMULGATED RULES,

5           THE COMMISSION SHALL:

6           a. PROVIDE WRITTEN NOTICE TO THE DEFAULTING STATE AND

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

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

9           BY THE COMMISSION; AND

10          b. PROVIDE REMEDIAL TRAINING AND SPECIFIC TECHNICAL

11          ASSISTANCE REGARDING THE DEFAULT.

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

13          DEFAULTING STATE MAY BE TERMINATED FROM THE COMPACT UPON AN

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

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

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

17          DEFAULT DOES NOT RELIEVE THE OFFENDING STATE OF OBLIGATIONS OR

18          LIABILITIES INCURRED DURING THE PERIOD OF DEFAULT.

19          3. TERMINATION OF MEMBERSHIP IN THE COMPACT MAY BE

20          IMPOSED ONLY AFTER ALL OTHER MEANS OF SECURING COMPLIANCE HAVE

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

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

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

24          LEGISLATURE, AND EACH OF THE MEMBER STATES.

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

26          ASSESSMENTS, OBLIGATIONS, AND LIABILITIES INCURRED THROUGH THE

27          EFFECTIVE DATE OF TERMINATION, INCLUDING OBLIGATIONS THAT EXTEND

1 BEYOND THE EFFECTIVE DATE OF TERMINATION.

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

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

12 C. DISPUTE RESOLUTION.

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

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

20 D. ENFORCEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

19 SECTION 15

20 CONSTRUCTION AND SEVERABILITY

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

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

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

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

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

24 **SECTION 3.** In Colorado Revised Statutes, 12-36-106, **add** (3)  
25 (aa) as follows:

26 **12-36-106. Practice of medicine defined - exemptions from**  
27 **licensing requirements - unauthorized practice by physician**

1 **assistants and anesthesiologist assistants - penalties - rules.** (3) A  
2 person may engage in, and shall not be required to obtain a license or a  
3 physician training license under this article with respect to, any of the  
4 following acts:

5 (aa) PRACTICING AS A MEDICAL DIRECTOR PURSUANT TO THE  
6 "RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL  
7 LICENSURE INTERSTATE COMPACT ACT", PART 35 OF ARTICLE 60 OF TITLE  
8 24, C.R.S., SO LONG AS THE PERSON IS LICENSED IN GOOD STANDING IN A  
9 STATE THAT HAS ENACTED AND IS A MEMBER OF THE COMPACT.

10 **SECTION 4. Act subject to petition - effective date.** This act  
11 takes effect at 12:01 a.m. on the day following the expiration of the  
12 ninety-day period after final adjournment of the general assembly  
13 (August 5, 2015, if adjournment sine die is on May 6, 2015); except that,  
14 if a referendum petition is filed pursuant to section 1 (3) of article V of  
15 the state constitution against this act or an item, section, or part of this act  
16 within such period, then the act, item, section, or part will not take effect  
17 unless approved by the people at the general election to be held in  
18 November 2016 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.