

# Senate Bill 456

Sponsored by Senator THOMSEN (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Enacts Emergency Medical Services Personnel Licensure Interstate Compact.

## A BILL FOR AN ACT

Relating to emergency medical services.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. The Emergency Medical Services Personnel Licensure Interstate Compact is as follows:**

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## ARTICLE I PURPOSE

**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, including emergency medical technicians, advanced EMTs and paramedics. This Emergency Medical Services Personnel Licensure Interstate Compact facilitates the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorizes state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through licensing and regulation of EMS personnel and that state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:**

- (1) Increase public access to EMS personnel;**
- (2) Enhance the states' ability to protect the public's health and safety, especially patient safety;**
- (3) Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;**
- (4) Support licensing of military members and their spouses who are separating from active duty tours;**
- (5) Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;**
- (6) Promote compliance with the laws governing EMS personnel practice in each member**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 state; and

2 (7) Invest member states with the authority to hold EMS personnel accountable through  
3 the mutual recognition of member state licenses.

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5 **ARTICLE II**  
6 **DEFINITIONS**

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8 **As used in this compact:**

9 (1) “Advanced emergency medical technician” or “AEMT” means an individual licensed  
10 with cognitive knowledge and a scope of practice that corresponds to that level in the Na-  
11 tional Emergency Medical Services Education Standards and the National EMS Scope of  
12 Practice Model.

13 (2) “Adverse action” means any administrative, civil, equitable or criminal action per-  
14 mitted by a state’s laws that may be imposed against licensed EMS personnel by a state EMS  
15 authority or state court, including but not limited to actions against an individual’s license  
16 such as revocation, suspension, probation, consent agreement, monitoring or other limitation  
17 or encumbrance on the individual’s practice, letters of reprimand or admonition, fines,  
18 criminal convictions and state court judgments enforcing adverse actions by the state EMS  
19 authority.

20 (3) “Alternative program” means a voluntary, nondisciplinary substance abuse recovery  
21 program approved by a state EMS authority.

22 (4) “Certification” means the successful verification of entry-level cognitive and  
23 psychomotor competency using a reliable, validated and legally defensible examination.

24 (5) “Commission” means the Interstate Commission for EMS Personnel Practice, the  
25 national administrative body of which all states that have enacted this compact are mem-  
26 bers.

27 (6) “Emergency medical technician” or “EMT” means an individual licensed with cogni-  
28 tive knowledge and a scope of practice that corresponds to that level in the National Emer-  
29 gency Medical Services Education Standards and the National EMS Scope of Practice Model.

30 (7) “EMS” means emergency medical services.

31 (8) “Home state” means a member state where an individual is licensed to practice  
32 emergency medical services.

33 (9) “License” means the authorization by a state for an individual to practice as an EMT,  
34 AEMT or paramedic or at a level between EMT and paramedic.

35 (10) “Medical director” means a physician licensed in a member state who is accountable  
36 for the care delivered by EMS personnel.

37 (11) “Member state” means a state that has enacted this compact.

38 (12) “Paramedic” means an individual licensed with cognitive knowledge and a scope of  
39 practice that corresponds to that level in the National Emergency Medical Services Educa-  
40 tion Standards and National EMS Scope of Practice Model.

41 (13) “Privilege to practice” means an individual’s authority to deliver emergency medical  
42 services in remote states pursuant to this compact.

43 (14) “Remote state” means a member state in which an individual is not licensed.

44 (15) “Restricted” means the outcome of an adverse action that limits a license or the  
45 privilege to practice.

1 (16) “Rule” means a written statement by the commission promulgated pursuant to Ar-  
 2 ticle XII of this compact that:

3 (a) Is of general applicability;

4 (b) Implements, interprets or prescribes a policy or provision of this compact; or

5 (c) Is an organizational, procedural or practice requirement of the commission, has the  
 6 force and effect of statutory law in a member state and includes the amendment, repeal or  
 7 suspension of an existing rule.

8 (17) “Scope of practice” means the parameters of various duties or services that an in-  
 9 dividual with specific credentials may provide. Whether regulated by rule, statute or court  
 10 decision, “scope of practice” represents the limits of services an individual may perform.

11 (18) “Significant investigatory information” means:

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

16 (b) Investigative information that indicates that the individual represents an immediate  
 17 threat to public health and safety regardless of whether the individual has been notified and  
 18 has had an opportunity to respond.

19 (19) “State” means a state, commonwealth, district or territory of the United States.

20 (20) “State EMS authority” means the board, office or other agency with the legislative  
 21 mandate to license EMS personnel.

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 23 **ARTICLE III**  
 24 **HOME STATE LICENSURE**  
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26 (1) A member state in which an individual holds a current license is a home state for  
 27 purposes of this compact.

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

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

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

35 (b) Has a mechanism in place for receiving and investigating complaints about individ-  
 36 uals;

37 (c) Notifies the commission, in compliance with Article VIII of this compact, of any ad-  
 38 verse action or significant investigatory information regarding an individual;

39 (d) No later than five years after activation of this compact, requires a criminal back-  
 40 ground check of all applicants for initial licensure, including the use of the results of fin-  
 41 gerprint or other biometric data checks compliant with the requirements of the Federal  
 42 Bureau of Investigation, with the exception of federal employees who have suitability deter-  
 43 minations in accordance with 5 C.F.R. 731.202 and submit documentation of suitability de-  
 44 terminations as regulated by the rules of the commission; and

45 (e) Complies with the rules of the commission.

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**ARTICLE IV  
COMPACT PRIVILEGE TO PRACTICE**

**(1) Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with section 3 of this compact.**

**(2) To exercise the privilege to practice under the terms and provisions of this compact, an individual must:**

**(a) Be at least 18 years of age;**

**(b) Possess a current unrestricted license in a member state as an EMT, AEMT or paramedic or at a state recognized and licensed level with a scope of practice and authority between that of an EMT and that of a paramedic; and**

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

**(3) An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state.**

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

**(5) If an individual’s license in any home state is restricted, suspended or revoked, the individual is not eligible to practice in a remote state under the privilege to practice until the individual’s home state license is restored.**

**(6) If an individual’s privilege to practice in any remote state is restricted, suspended or revoked, the individual is not eligible to practice in any remote state until the individual’s privilege to practice is restored.**

**ARTICLE V  
CONDITIONS OF PRACTICE  
IN A REMOTE STATE**

**An individual may practice in a remote state under a privilege to practice only in the performance of the individual’s EMS duties as assigned by an appropriate authority, as defined in the rules of the commission, and if:**

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

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

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

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

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

**ARTICLE VI**



1 both the home state and the remote state.

2 (3) A member state shall report to the commission, in accordance with the rules of the  
3 commission, adverse actions and restrictions, suspensions and revocations of an individual's  
4 compact privileges.

5 (4) A remote state may take adverse action on an individual's privilege to practice within  
6 that state.

7 (5) Any member state may take adverse action against an individual's privilege to prac-  
8 tice in that state based on the factual findings of another member state, as long as each  
9 state follows its own procedures for imposing such adverse action.

10 (6) The state EMS authority of the home state shall investigate and take appropriate  
11 action with respect to reported conduct in a remote state as it would if such conduct had  
12 occurred within the home state. In such cases, the home state's law controls the determi-  
13 nation of the appropriate adverse action.

14 (7) Nothing in this compact overrides a member state's decision that an individual's  
15 participation in an alternative program may be used in lieu of adverse action and that the  
16 participation shall remain confidential if required by the member state's laws. Member states  
17 must require individuals who participates in an alternative program to agree not to practice  
18 in another member state during the term of the alternative program without prior authori-  
19 zation from the other member state.

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21 **ARTICLE IX**  
22 **ADDITIONAL POWERS VESTED IN THE STATE**  
23 **EMS AUTHORITY OF A MEMBER STATE**  
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25 The state EMS authority of a member state, in addition to any other powers granted  
26 under state law, is authorized under this compact to:

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

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

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38 **ARTICLE X**  
39 **ESTABLISHMENT OF THE INTERSTATE COMMISSION**  
40 **FOR EMS PERSONNEL PRACTICE**  
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42 (1)(a) The member states hereby create and establish a joint public agency known as the  
43 Interstate Commission for EMS Personnel Practice.

44 (b) The commission is a body politic and an instrumentality of the member states.

45 (c) Venue is proper and judicial proceedings by or against the commission must be

1 brought solely and exclusively in a court of competent jurisdiction where the principal office  
2 of the commission is located. The commission may waive venue and jurisdictional defenses  
3 to the extent it adopts or consents to participate in alternative dispute resolution pro-  
4 ceedings.

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

6 (2) Each member state has one delegate. The responsible official of the state EMS au-  
7 thority, or a designee of the responsible official, is the delegate to this commission for each  
8 member state. Any delegate may be removed or suspended from office as provided by the law  
9 of the state from which the delegate is appointed. Any vacancy occurring in the commission  
10 shall be filled in accordance with the laws of the member state in which the vacancy exists.  
11 If more than one board, office or other agency with the legislative mandate to license EMS  
12 personnel at and above the level of EMT exists, the Governor of the state shall determine  
13 which entity will be responsible for assigning the delegate.

14 (3) Each delegate is entitled to one vote with regard to the promulgation of rules and  
15 creation of bylaws and may otherwise have an opportunity to participate in the business and  
16 affairs of the commission. A delegate shall vote in person or by such other means as provided  
17 in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone  
18 or other means of communication.

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

21 (5) All meetings shall be open to the public, and public notice of meetings shall be given  
22 in the same manner as required under the rulemaking provisions in Article XII of this  
23 compact.

24 (6) The commission may convene in a closed, nonpublic meeting if the commission must  
25 discuss:

26 (a) Noncompliance of a member state with its obligations under this compact;

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

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

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

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

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

35 (g) Disclosure of information of a personal nature where disclosure would constitute a  
36 clearly unwarranted invasion of personal privacy;

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

38 (i) Disclosure of information related to any investigatory reports prepared by or on behalf  
39 of or for use of the commission or other committee charged with responsibility of investi-  
40 gation or determination of compliance issues pursuant to this compact; or

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

42 (7) If a meeting, or portion of a meeting, is closed pursuant to this Article, the  
43 commission's legal counsel or designee shall certify that the meeting may be closed and shall  
44 reference each relevant exempting provision. The commission shall keep minutes that fully  
45 and clearly describe all matters discussed in a meeting and shall provide a full and accurate

1 summary of actions taken, and the reasons for the actions taken, including a description of  
2 the views expressed. All documents considered in connection with an action shall be identi-  
3 fied in the minutes. All minutes and documents of a closed meeting shall remain under seal,  
4 subject to release by a majority vote of the commission or order of a court of competent  
5 jurisdiction.

6 (8) The commission shall, by a majority vote of the delegates, prescribe bylaws and rules  
7 to govern its conduct as may be necessary or appropriate to carry out the purposes and ex-  
8 ercise the powers of this compact, including but not limited to:

9 (a) Establishing the fiscal year of the commission;

10 (b) Providing reasonable standards and procedures:

11 (A) For the establishment and meetings of committees; and

12 (B) Governing any general or specific delegation of any authority or function of the  
13 commission;

14 (c) Providing reasonable procedures for calling and conducting meetings of the commis-  
15 sion, ensuring reasonable advance notice of all meetings and providing an opportunity for  
16 attendance at such meetings by interested parties, with enumerated exceptions designed to  
17 protect the public's interest, the privacy of individuals and proprietary information, including  
18 trade secrets. The commission may meet in closed session only after a majority of the de-  
19 legates votes to close a meeting in whole or in part. As soon as practicable, the commission  
20 shall make public a copy of the vote to close the meeting revealing the vote of each member  
21 with no proxy votes allowed;

22 (d) Establishing the titles, duties, authority and reasonable procedures for the election  
23 of the officers of the commission;

24 (e) Providing reasonable standards and procedures for the establishment of the personnel  
25 policies and programs of the commission. Notwithstanding any civil service or other similar  
26 laws of any member state, the bylaws exclusively govern the personnel policies and programs  
27 of the commission;

28 (f) Promulgating a code of ethics to address permissible and prohibited activities of  
29 commission members and employees;

30 (g) Providing a mechanism for winding up the operations of the commission and the eq-  
31 uitable disposition of any surplus funds that may exist after the termination of this compact  
32 after the payment and reserving of all of the commission's debts and obligations;

33 (h) Publishing the bylaws and amendments to the bylaws, and filing the bylaws and  
34 amendments, with the appropriate agency or officer in each of the member states;

35 (i) Maintaining the commission's financial records in accordance with the bylaws; and

36 (j) Meeting and taking any actions consistent with the provisions of this compact and the  
37 bylaws.

38 (9) The commission is authorized to:

39 (a) Promulgate uniform rules to facilitate and coordinate implementation and adminis-  
40 tration of this compact. The rules shall have the force and effect of law and are binding in  
41 all member states.

42 (b) Bring and prosecute legal proceedings or actions in the name of the commission,  
43 provided that the standing of any state EMS authority to sue or be sued under applicable law  
44 is not affected.

45 (c) Purchase and maintain insurance and bonds.



1 (d) Borrow, accept or contract for services of personnel, including, but not limited to,  
2 employees of a member state.

3 (e) Hire employees and elect or appoint officers, fix the compensation and define the du-  
4 ties of employees and officers, grant employees and officers the appropriate authority to  
5 carry out the purposes of this compact and establish the commission's personnel policies and  
6 programs relating to conflicts of interest, qualifications of personnel and other related per-  
7 sonnel matters.

8 (f) Accept donations and grants of money, equipment, supplies, materials and services  
9 and to receive, utilize and dispose of the same, provided that at all times the commission  
10 shall strive to avoid any appearance of impropriety or conflict of interest.

11 (g) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,  
12 improve or use, any property, real, personal or mixed, provided that at all times the com-  
13 mission shall strive to avoid any appearance of impropriety or conflict of interest.

14 (h) Sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any  
15 property real, personal or mixed.

16 (i) Establish a budget and make expenditures.

17 (j) Borrow money.

18 (k) Appoint committees, including advisory committees consisting of members, state  
19 regulators, state legislators or their representatives, consumer representatives and other  
20 interested persons as may be designated in this compact and the bylaws.

21 (L) Provide and receive information from, and to cooperate with, law enforcement agen-  
22 cies.

23 (m) Adopt and use an official seal.

24 (n) Perform such other functions as necessary or appropriate to achieve the purposes  
25 of this compact consistent with the state regulation of EMS personnel licensure and practice.

26 (10)(a) The commission shall pay, or provide for the payment of, the reasonable expenses  
27 of its establishment, organization and ongoing activities.

28 (b) The commission may accept revenue sources, donations and grants of money, equip-  
29 ment, supplies, materials and services.

30 (c) The commission may levy on and collect an annual assessment from each member  
31 state or impose fees on other parties to cover the cost of the operations and activities of the  
32 commission and its staff. The assessments or fees must be in a total amount sufficient to  
33 cover the commission's annual budget as approved each year for which revenue is not pro-  
34 vided by other sources. The aggregate annual assessment amount, if any, shall be allocated  
35 based upon a formula to be determined by the commission, which shall promulgate a rule  
36 binding upon all member states.

37 (d) An assessment levied, or any other financial obligation imposed, under this compact  
38 is effective against the State of Oregon only to the extent that moneys necessary to pay the  
39 assessment or meet the financial obligations have been deposited in the General Fund in the  
40 State Treasury and credited to the Oregon Health Authority.

41 (e) The commission may not incur obligations of any kind prior to securing the funds  
42 adequate to meet the obligations, nor may the commission pledge the credit of any of the  
43 member states, except by and with the authority of the member state.

44 (f) The commission shall keep accurate accounts of all receipts and disbursements. The  
45 receipts and disbursements of the commission are subject to the audit and accounting pro-

1 **cedures established under the commission's bylaws. All receipts and disbursements of funds**  
2 **handled by the commission must be audited yearly by a certified or licensed public account-**  
3 **ant, and the report of the audit shall be included in and become part of the annual report**  
4 **of the commission.**

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

14 **(b) The commission shall defend any member, officer, executive director, employee or**  
15 **representative of the commission in any civil action seeking to impose liability arising out**  
16 **of any actual or alleged act, error or omission that occurred within the scope of commission**  
17 **employment, duties or responsibilities, or that the person against whom the claim is made**  
18 **had a reasonable basis for believing occurred within the scope of commission employment,**  
19 **duties or responsibilities, and provided that the actual or alleged act, error or omission did**  
20 **not result from that person's intentional or willful or wanton misconduct. A person may**  
21 **retain the person's own counsel.**

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

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31 **ARTICLE XI**  
32 **COORDINATED DATABASE**  
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34 **(1) The commission shall provide for the development and maintenance of a coordinated**  
35 **database and reporting system containing data on licensure, adverse action and significant**  
36 **investigatory information on all licensed individuals in member states.**

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

40 **(a) Identifying information;**

41 **(b) Licensure data;**

42 **(c) Significant investigatory information;**

43 **(d) Adverse actions against an individual's license;**

44 **(e) An indicator that an individual's privilege to practice is restricted, suspended or re-**  
45 **voked;**

- 1 (f) Nonconfidential information related to alternative program participation;
- 2 (g) Any denial of application for licensure and the reason for the denial; and
- 3 (h) Other information that may facilitate the administration of this compact, as deter-
- 4 mined by the rules of the commission.

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

8 (4) Member states contributing information to the coordinated database may designate  
9 information that may not be shared with the public without the express permission of the  
10 contributing state.

11 (5) Any information submitted to the coordinated database that is subsequently required  
12 to be expunged by the laws of the member state contributing the information shall be re-  
13 moved from the coordinated database.

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15 **ARTICLE XII**  
16 **RULEMAKING**  
17

18 (1)(a) The commission may exercise its rulemaking powers pursuant to this Article and  
19 the rules adopted under this Article. Rules and amendments are binding as of the date  
20 specified in each rule or amendment.

21 (b) Notwithstanding paragraph (a) of this subsection, the Oregon Health Authority shall  
22 review the rules of the commission. The authority may approve and adopt the rules of the  
23 commission as rules of the authority. The State of Oregon is subject to a rule of the com-  
24 mission only if the rule of the commission is adopted by the authority.

25 (2) If a majority of the legislatures of the member states rejects a rule by enactment of  
26 a statute or resolution in the same manner used to adopt this compact, then the rule has  
27 no further force and effect in any member state.

28 (3) Rules or amendments to the rules shall be adopted at a regular or special meeting  
29 of the commission.

30 (4) Prior to promulgation and adoption of a final rule or rules by the commission, and  
31 at least 60 days in advance of the meeting at which the rule will be considered and voted  
32 upon, the commission shall file a notice of proposed rulemaking:

33 (a) On the website of the commission; and

34 (b) On the website of each member state EMS authority or the publication in which each  
35 state would otherwise publish proposed rules.

36 (5) The notice of proposed rulemaking must include:

37 (a) The proposed date, place and time of the meeting in which the rule will be considered  
38 and voted upon;

39 (b) The text of the proposed rule or amendment and the reason for the proposed rule;

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

41 (d) The manner in which interested persons may submit notice to the commission of  
42 their intention to attend the public hearing and any written comments.

43 (6) Prior to adoption of a proposed rule, the commission shall allow persons to submit  
44 written data, facts, opinions and arguments, which shall be made available to the public.

45 (7) The commission shall grant an opportunity for a public hearing before it adopts a rule

1 or amendment if a hearing is requested by:

2 (a) At least 25 persons;

3 (b) A governmental subdivision or agency; or

4 (c) An association that has at least 25 members.

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

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

10 (c) Hearings must be conducted in a manner providing each person who wishes to com-  
11 ment a fair and reasonable opportunity to comment orally or in writing.

12 (d) No transcript of the hearing is required, unless a written request for a transcript is  
13 made, in which case the person requesting the transcript shall bear the cost of producing the  
14 transcript. A recording may be made in lieu of a transcript under the same terms and con-  
15 ditions as a transcript. This subsection does not preclude the commission from making a  
16 transcript or recording of the hearing if it so chooses.

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

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

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

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

29 (12) Upon determination that an emergency exists, the commission may consider and  
30 adopt an emergency rule without prior notice, opportunity for comment or hearing, provided  
31 that the usual rulemaking procedures provided in this compact and in this Article are  
32 retroactively applied to the rule as soon as reasonably possible but not later than 90 days  
33 after the effective date of the rule. For the purposes of this provision, an emergency rule is  
34 a rule that must be adopted immediately to:

35 (a) Meet an imminent threat to public health, safety or welfare;

36 (b) Prevent a loss of commission or member state funds;

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

39 (d) Protect public health and safety.

40 (13) The commission or an authorized committee of the commission may direct revisions  
41 to a previously adopted rule or amendment for purposes of correcting typographical errors,  
42 errors in format, errors in consistency or grammatical errors. Public notice of any revisions  
43 shall be posted on the website of the commission. The revision is subject to challenge by any  
44 person for 30 days after posting. The revision may be challenged only on grounds that the  
45 revision results in a material change to a rule. A challenge must be made in writing and

1 delivered to the chair of the commission prior to the end of the notice period. If no challenge  
2 is made, the revision is effective without further action. If the revision is challenged, the  
3 revision may not take effect without the approval of the commission.

4  
5 **ARTICLE XIII**  
6 **OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**  
7

8 (1)(a) The executive, legislative and judicial branches of state government in each mem-  
9 ber state shall enforce this compact and take all actions necessary and appropriate to  
10 effectuate this compact's purposes and intent. The provisions of this compact and the rules  
11 promulgated pursuant to this compact and adopted by the Oregon Health Authority have  
12 standing as statutory law.

13 (b) All courts shall take judicial notice of this compact and the rules in any judicial or  
14 administrative proceeding in a member state pertaining to the subject matter of this com-  
15 pact that may affect the powers, responsibilities or actions of the commission.

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

20 (2)(a) If the commission determines that a member state has defaulted in the perform-  
21 ance of its obligations or responsibilities under this compact or the promulgated rules, the  
22 commission shall:

23 (A) Provide written notice to the defaulting state and other member states of the nature  
24 of the default, the proposed means of curing the default and any other action to be taken  
25 by the commission; and

26 (B) Provide remedial training and specific technical assistance regarding the default.

27 (b) If a state in default fails to cure the default, the defaulting state may be terminated  
28 from membership in this compact upon an affirmative vote of a majority of the member  
29 states, and all rights, privileges and benefits conferred by this compact on the defaulting  
30 state may be terminated on the effective date of termination. A cure of the default does not  
31 relieve the offending state of obligations or liabilities incurred during the period of default.

32 (c) Termination of membership in this compact may be imposed only after all other  
33 means of securing compliance have been exhausted. Notice of intent to terminate shall be  
34 given by the commission to the Governor of the defaulting state and of each of the member  
35 states and to the majority and minority leaders of the legislature of the defaulting state and  
36 of each of the member states.

37 (d) A state whose membership has been terminated is responsible for all assessments,  
38 obligations and liabilities incurred through the effective date of termination, including obli-  
39 gations that extend beyond the effective date of termination.

40 (e) The commission may not bear any costs related to a state that is found to be in de-  
41 fault or that has been terminated from this compact unless agreed upon in writing between  
42 the commission and the defaulting state.

43 (f) The defaulting state may appeal the action of the commission by petitioning the  
44 United States District Court for the District of Columbia or the federal district where the  
45 commission has its principal offices. The prevailing party shall be awarded all costs of such

1 litigation, including reasonable attorney’s fees.

2 (3)(a) Upon request by a member state, the commission shall attempt to resolve disputes  
 3 related to this compact that arise among member states and between member and non-  
 4 member states.

5 (b) The commission shall promulgate a rule providing for both mediation and binding  
 6 dispute resolution for disputes as appropriate.

7 (4)(a) The commission, in the reasonable exercise of its discretion, shall enforce the  
 8 provisions and rules of this compact.

9 (b) By majority vote, the commission may initiate legal action in the United States Dis-  
 10 trict Court for the District of Columbia or the federal district where the commission has its  
 11 principal offices against a member state in default to enforce compliance with the provisions  
 12 of this compact and its promulgated rules and bylaws. The relief sought may include both  
 13 injunctive relief and damages. The prevailing party shall be awarded all costs of such liti-  
 14 gation, including reasonable attorney’s fees.

15 (c) The remedies listed in this Article are not the exclusive remedies of the commission.  
 16 The commission may pursue any other remedies available under federal or state law.

17  
 18 **ARTICLE XIV**  
 19 **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION**  
 20 **FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES;**  
 21 **WITHDRAWAL AND AMENDMENT**  
 22

23 (1) This compact is effective on the date on which the compact statute is enacted into  
 24 law in the 10th member state.

25 (2) Any state that joins this compact subsequent to the commission’s initial adoption of  
 26 the rules is subject to the rules as they exist on the date on which this compact becomes law  
 27 in that state. Any rule that has been previously adopted by the commission has the full force  
 28 and effect of law on the date this compact becomes law in that state.

29 (3)(a) Any member state may withdraw from this compact by enacting a statute repealing  
 30 the same.

31 (b) A member state’s withdrawal does not take effect until six months after enactment  
 32 of the repealing statute.

33 (c) Withdrawal does not affect the continuing requirement of the state EMS authority  
 34 of the withdrawing state to comply with the investigative and adverse action reporting re-  
 35 quirements of this compact prior to the effective date of withdrawal.

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

39 (5) This compact may be amended by the member states. No amendment to this compact  
 40 is effective and binding upon any member state until it is enacted into the laws of all member  
 41 states.

42  
 43 **ARTICLE XV**  
 44 **CONSTRUCTION AND SEVERABILITY**  
 45

1       **This compact shall be liberally construed so as to effectuate its purposes. If this compact**  
2 **is held to be contrary to the constitution of any state member thereto, this compact remains**  
3 **in full force and effect as to the remaining member states. Nothing in this compact super-**  
4 **sedes state law or rules related to licensure of EMS agencies.**

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