

SB 288-2  
(LC 471)  
3/1/21 (DJ/ps)

Requested by Senator THOMSEN

**PROPOSED AMENDMENTS TO  
SENATE BILL 288**

1 On page 8 of the printed bill, after line 36, insert:

2 **“SECTION 17. The Emergency Medical Services Personnel**  
3 **Licensure Interstate Compact is as follows:**

4 “ \_\_\_\_\_

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**“ARTICLE I**

7

**PURPOSE**

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9 **“In order to protect the public through verification of competency**  
10 **and ensure accountability for patient care related activities, all states**  
11 **license emergency medical services personnel, including emergency**  
12 **medical technicians, advanced EMTs and paramedics. This Emergency**  
13 **Medical Services Personnel Licensure Interstate Compact facilitates**  
14 **the day-to-day movement of EMS personnel across state boundaries**  
15 **in the performance of their EMS duties as assigned by an appropriate**  
16 **authority and authorizes state EMS offices to afford immediate legal**  
17 **recognition to EMS personnel licensed in a member state. This com-**  
18 **pact recognizes that states have a vested interest in protecting the**  
19 **public’s health and safety through licensing and regulation of EMS**  
20 **personnel and that state regulation shared among the member states**  
21 **will best protect public health and safety. This compact is designed to**

1 **achieve the following purposes and objectives:**

2 **“(1) Increase public access to EMS personnel;**

3 **“(2) Enhance the states’ ability to protect the public’s health and**  
4 **safety, especially patient safety;**

5 **“(3) Encourage the cooperation of member states in the areas of**  
6 **EMS personnel licensure and regulation;**

7 **“(4) Support licensing of military members and their spouses who**  
8 **are separating from active duty tours;**

9 **“(5) Facilitate the exchange of information between member states**  
10 **regarding EMS personnel licensure, adverse action and significant**  
11 **investigatory information;**

12 **“(6) Promote compliance with the laws governing EMS personnel**  
13 **practice in each member state; and**

14 **“(7) Invest member states with the authority to hold EMS personnel**  
15 **accountable through the mutual recognition of member state licenses.**

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17 **“ARTICLE II**  
18 **DEFINITIONS**

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20 **“As used in this compact:**

21 **“(1) ‘Advanced emergency medical technician’ or ‘AEMT’ means an**  
22 **individual licensed with cognitive knowledge and a scope of practice**  
23 **that corresponds to that level in the National Emergency Medical**  
24 **Services Education Standards and the National EMS Scope of Practice**  
25 **Model.**

26 **“(2) ‘Adverse action’ means any administrative, civil, equitable or**  
27 **criminal action permitted by a state’s laws that may be imposed**  
28 **against licensed EMS personnel by a state EMS authority or state**  
29 **court, including but not limited to actions against an individual’s li-**  
30 **cence such as revocation, suspension, probation, consent agreement,**

1 **monitoring or other limitation or encumbrance on the individual’s**  
2 **practice, letters of reprimand or admonition, fines, criminal con-**  
3 **victions and state court judgments enforcing adverse actions by the**  
4 **state EMS authority.**

5 **“(3) ‘Alternative program’ means a voluntary, nondisciplinary sub-**  
6 **stance abuse recovery program approved by a state EMS authority.**

7 **“(4) ‘Certification’ means the successful verification of entry-level**  
8 **cognitive and psychomotor competency using a reliable, validated and**  
9 **legally defensible examination.**

10 **“(5) ‘Commission’ means the Interstate Commission for EMS Per-**  
11 **sonnel Practice, the national administrative body of which all states**  
12 **that have enacted this compact are members.**

13 **“(6) ‘Emergency medical technician’ or ‘EMT’ means an individual**  
14 **licensed with cognitive knowledge and a scope of practice that corre-**  
15 **sponds to that level in the National Emergency Medical Services Ed-**  
16 **ucation Standards and the National EMS Scope of Practice Model.**

17 **“(7) ‘EMS’ means emergency medical services.**

18 **“(8) ‘Home state’ means a member state where an individual is li-**  
19 **censed to practice emergency medical services.**

20 **“(9) ‘License’ means the authorization by a state for an individual**  
21 **to practice as an EMT, AEMT or paramedic or at a level between EMT**  
22 **and paramedic.**

23 **“(10) ‘Medical director’ means a physician licensed in a member**  
24 **state who is accountable for the care delivered by EMS personnel.**

25 **“(11) ‘Member state’ means a state that has enacted this compact.**

26 **“(12) ‘Paramedic’ means an individual licensed with cognitive**  
27 **knowledge and a scope of practice that corresponds to that level in the**  
28 **National Emergency Medical Services Education Standards and Na-**  
29 **tional EMS Scope of Practice Model.**

30 **“(13) ‘Privilege to practice’ means an individual’s authority to de-**

1 **liver emergency medical services in remote states pursuant to this**  
2 **compact.**

3 **“(14) ‘Remote state’ means a member state in which an individual**  
4 **is not licensed.**

5 **“(15) ‘Restricted’ means the outcome of an adverse action that**  
6 **limits a license or the privilege to practice.**

7 **“(16) ‘Rule’ means a written statement by the commission**  
8 **promulgated pursuant to Article XII of this compact that:**

9 **“(a) Is of general applicability;**

10 **“(b) Implements, interprets or prescribes a policy or provision of**  
11 **this compact; or**

12 **“(c) Is an organizational, procedural or practice requirement of the**  
13 **commission, has the force and effect of statutory law in a member**  
14 **state and includes the amendment, repeal or suspension of an existing**  
15 **rule.**

16 **“(17) ‘Scope of practice’ means the parameters of various duties or**  
17 **services that an individual with specific credentials may provide.**  
18 **Whether regulated by rule, statute or court decision, ‘scope of**  
19 **practice’ represents the limits of services an individual may perform.**

20 **“(18) ‘Significant investigatory information’ means:**

21 **“(a) Investigative information that a state EMS authority, after a**  
22 **preliminary inquiry that includes notification and an opportunity to**  
23 **respond if required by state law, has reason to believe, if proved true,**  
24 **would result in the imposition of an adverse action on a license or**  
25 **privilege to practice; or**

26 **“(b) Investigative information that indicates that the individual**  
27 **represents an immediate threat to public health and safety regardless**  
28 **of whether the individual has been notified and has had an opportunity**  
29 **to respond.**

30 **“(19) ‘State’ means a state, commonwealth, district or territory of**

1 the United States.

2 “(20) ‘State EMS authority’ means the board, office or other agency  
3 with the legislative mandate to license EMS personnel.

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### “ARTICLE III

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### HOME STATE LICENSURE

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8 “(1) A member state in which an individual holds a current license  
9 is a home state for purposes of this compact.

10 “(2) A member state may require an individual to obtain and retain  
11 a license to be authorized to practice in the member state under cir-  
12 cumstances not authorized by the privilege to practice under the terms  
13 of this compact.

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

16 “(a) Currently requires the use of the National Registry of Emer-  
17 gency Medical Technicians examination as a condition of issuing ini-  
18 tial licenses at the EMT and paramedic levels;

19 “(b) Has a mechanism in place for receiving and investigating  
20 complaints about individuals;

21 “(c) Notifies the commission, in compliance with Article VIII of this  
22 compact, of any adverse action or significant investigatory informa-  
23 tion regarding an individual;

24 “(d) No later than five years after activation of this compact, re-  
25 quires a criminal background check of all applicants for initial  
26 licensure, including the use of the results of fingerprint or other  
27 biometric data checks compliant with the requirements of the Federal  
28 Bureau of Investigation, with the exception of federal employees who  
29 have suitability determinations in accordance with 5 C.F.R. 731.202 and  
30 submit documentation of suitability determinations as regulated by

1 **the rules of the commission; and**

2 **“(e) Complies with the rules of the commission.**

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4 **“ARTICLE IV**

5 **COMPACT PRIVILEGE TO PRACTICE**

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

10 **“(2) To exercise the privilege to practice under the terms and pro-**  
11 **visions of this compact, an individual must:**

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

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

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

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

21 **“(4) Except as provided in subsection (3) of this Article, an individ-**  
22 **ual practicing in a remote state is subject to the remote state’s au-**  
23 **thority and laws. A remote state may, in accordance with due process**  
24 **and that state’s laws, restrict, suspend or revoke an individual’s priv-**  
25 **ilege to practice in the remote state and may take any other necessary**  
26 **actions to protect the health and safety of its citizens. If a remote**  
27 **state takes action it shall promptly notify the home state and the**  
28 **commission.**

29 **“(5) If an individual’s license in any home state is restricted, sus-**  
30 **pended or revoked, the individual is not eligible to practice in a remote**

1 state under the privilege to practice until the individual's home state  
2 license is restored.

3 “(6) If an individual's privilege to practice in any remote state is  
4 restricted, suspended or revoked, the individual is not eligible to  
5 practice in any remote state until the individual's privilege to practice  
6 is restored.

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

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“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:

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

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“(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;

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

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

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

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**“ARTICLE VI  
RELATIONSHIP TO EMERGENCY  
MANAGEMENT ASSISTANCE COMPACT**

1       **“Upon a member state’s governor’s declaration of a state of emer-**  
2 **gency or disaster that activates the Emergency Management Assist-**  
3 **ance Compact, all relevant terms and provisions of the Emergency**  
4 **Management Assistance Compact shall apply and to the extent any**  
5 **terms or provisions of this compact conflicts with the Emergency**  
6 **Management Assistance Compact, the terms of the Emergency Man-**  
7 **agement Assistance Compact shall prevail with respect to any indi-**  
8 **vidual practicing in the remote state in response to such declaration.**

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10                                   **“ARTICLE VII**

11                                   **VETERANS, SERVICE MEMBERS SEPARATING**  
12 **FROM ACTIVE DUTY MILITARY AND SPOUSES**  
13                                   **OF VETERANS AND SERVICE MEMBERS**  
14 **SEPARATING FROM ACTIVE DUTY MILITARY**

15  
16       **“(1) Member states shall consider a veteran, active military service**  
17 **member or member of the National Guard and reserves who is sepa-**  
18 **rating from an active duty tour, or a spouse of a veteran, active mil-**  
19 **itary service member or member of the National Guard and reserves**  
20 **who is separating from an active duty tour, who holds a current valid**  
21 **and unrestricted National Registry of Emergency Medical Technicians**  
22 **certification at or above the level of the state license being sought as**  
23 **satisfying the minimum training and examination requirements for**  
24 **National Registry of Emergency Medical Technicians licensure.**

25       **“(2) Member states shall expedite the processing of licensure appli-**  
26 **cations submitted by veterans, active military service members and**  
27 **members of the National Guard and reserves separating from an active**  
28 **duty tour, and of the spouses of veterans, active military service**  
29 **members and members of the National Guard or reserves who are**  
30 **separating from active duty tours.**



1       **“(3) An individual who has a privilege to practice under this Article**  
2 **is subject to the provisions of Article VIII of this compact.**

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4                               **“ARTICLE VIII**  
5                               **ADVERSE ACTIONS**

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7       **“(1) A home state has exclusive power to impose adverse action**  
8 **against an individual’s license issued by the home state.**

9       **“(2)(a) If an individual’s license in any home state is restricted or**  
10 **suspended, the individual is not eligible to practice in a remote state**  
11 **under the privilege to practice until the individual’s home state license**  
12 **is restored.**

13       **“(b) All home state adverse action orders must include a statement**  
14 **that the individual’s compact privileges are restricted or suspended.**  
15 **The order may allow the individual to practice in remote states with**  
16 **prior written authorization from the state EMS authorities of both the**  
17 **home state and the remote state.**

18       **“(c) An individual currently subject to adverse action in the home**  
19 **state may not practice in any remote state without prior written au-**  
20 **thorization from the state EMS authorities of both the home state and**  
21 **the remote state.**

22       **“(3) A member state shall report to the commission, in accordance**  
23 **with the rules of the commission, adverse actions and restrictions,**  
24 **suspensions and revocations of an individual’s compact privileges.**

25       **“(4) A remote state may take adverse action on an individual’s**  
26 **privilege to practice within that state.**

27       **“(5) Any member state may take adverse action against an**  
28 **individual’s privilege to practice in that state based on the factual**  
29 **findings of another member state, as long as each state follows its own**  
30 **procedures for imposing such adverse action.**

1       **“(6) The state EMS authority of the home state shall investigate**  
2 **and take appropriate action with respect to reported conduct in a re-**  
3 **remote state as it would if such conduct had occurred within the home**  
4 **state. In such cases, the home state’s law controls the determination**  
5 **of the appropriate adverse action.**

6       **“(7) Nothing in this compact overrides a member state’s decision**  
7 **that an individual’s participation in an alternative program may be**  
8 **used in lieu of adverse action and that the participation shall remain**  
9 **confidential if required by the member state’s laws. Member states**  
10 **must require individuals who participates in an alternative program**  
11 **to agree not to practice in another member state during the term of**  
12 **the alternative program without prior authorization from the other**  
13 **member state.**

14  
15                                   **“ARTICLE IX**  
16                   **ADDITIONAL POWERS VESTED IN THE STATE**  
17                   **EMS AUTHORITY OF A MEMBER STATE**  
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19       **“The state EMS authority of a member state, in addition to any**  
20 **other powers granted under state law, is authorized under this com-**  
21 **pact to:**

22       **“(1) Issue subpoenas for hearings and investigations that require**  
23 **the attendance and testimony of witnesses and the production of evi-**  
24 **dence. Subpoenas issued by the state EMS authority of a member state**  
25 **for the attendance and testimony of witnesses or the production of**  
26 **evidence from another member state shall be enforced in the remote**  
27 **state by any court of competent jurisdiction according to that court’s**  
28 **practice and procedure in considering subpoenas issued in its own**  
29 **proceedings. The issuing state EMS authority shall pay any witness**  
30 **fees, travel expenses, mileage and other fees required by the service**

1 statutes of the state where the witnesses or evidence are located; and  
2 “(2) Issue cease and desist orders to restrict, suspend or revoke an  
3 individual’s privilege to practice in the state.

4  
5 “ARTICLE X  
6 ESTABLISHMENT OF THE INTERSTATE COMMISSION  
7 FOR EMS PERSONNEL PRACTICE  
8

9 “(1)(a) The member states hereby create and establish a joint public  
10 agency known as the Interstate Commission for EMS Personnel Prac-  
11 tice.

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

14 “(c) Venue is proper and judicial proceedings by or against the  
15 commission must be brought solely and exclusively in a court of  
16 competent jurisdiction where the principal office of the commission is  
17 located. The commission may waive venue and jurisdictional defenses  
18 to the extent it adopts or consents to participate in alternative dispute  
19 resolution proceedings.

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

22 “(2) Each member state has one delegate. The responsible official  
23 of the state EMS authority, or a designee of the responsible official,  
24 is the delegate to this commission for each member state. Any dele-  
25 gate may be removed or suspended from office as provided by the law  
26 of the state from which the delegate is appointed. Any vacancy oc-  
27 ccurring in the commission shall be filled in accordance with the laws  
28 of the member state in which the vacancy exists. If more than one  
29 board, office or other agency with the legislative mandate to license  
30 EMS personnel at and above the level of EMT exists, the Governor of

1 the state shall determine which entity will be responsible for assigning  
2 the delegate.

3 “(3) Each delegate is entitled to one vote with regard to the  
4 promulgation of rules and creation of bylaws and may otherwise have  
5 an opportunity to participate in the business and affairs of the com-  
6 mission. A delegate shall vote in person or by such other means as  
7 provided in the bylaws. The bylaws may provide for delegates’ partic-  
8 ipation in meetings by telephone or other means of communication.

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

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

14 “(6) The commission may convene in a closed, nonpublic meeting  
15 if the commission must discuss:

16 “(a) Noncompliance of a member state with its obligations under  
17 this compact;

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

22 “(c) Current, threatened or reasonably anticipated litigation;

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

25 “(e) Accusing any person of a crime or formally censuring any  
26 person;

27 “(f) Disclosure of trade secrets or commercial or financial infor-  
28 mation that is privileged or confidential;

29 “(g) Disclosure of information of a personal nature where disclosure  
30 would constitute a clearly unwarranted invasion of personal privacy;

1       “(h) Disclosure of investigatory records compiled for law enforce-  
2       ment purposes;

3       “(i) Disclosure of information related to any investigatory reports  
4       prepared by or on behalf of or for use of the commission or other  
5       committee charged with responsibility of investigation or determi-  
6       nation of compliance issues pursuant to this compact; or

7       “(j) Matters specifically exempted from disclosure by federal or  
8       member state statute.

9       “(7) If a meeting, or portion of a meeting, is closed pursuant to this  
10      Article, the commission’s legal counsel or designee shall certify that  
11      the meeting may be closed and shall reference each relevant exempt-  
12      ing provision. The commission shall keep minutes that fully and  
13      clearly describe all matters discussed in a meeting and shall provide  
14      a full and accurate summary of actions taken, and the reasons for the  
15      actions taken, including a description of the views expressed. All doc-  
16      uments considered in connection with an action shall be identified in  
17      the minutes. All minutes and documents of a closed meeting shall re-  
18      main under seal, subject to release by a majority vote of the commis-  
19      sion or order of a court of competent jurisdiction.

20      “(8) The commission shall, by a majority vote of the delegates,  
21      prescribe bylaws and rules to govern its conduct as may be necessary  
22      or appropriate to carry out the purposes and exercise the powers of  
23      this compact, including but not limited to:

24      “(a) Establishing the fiscal year of the commission;

25      “(b) Providing reasonable standards and procedures:

26      “(A) For the establishment and meetings of committees; and

27      “(B) Governing any general or specific delegation of any authority  
28      or function of the commission;

29      “(c) Providing reasonable procedures for calling and conducting  
30      meetings of the commission, ensuring reasonable advance notice of

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

9 “(d) Establishing the titles, duties, authority and reasonable proce-  
10 dures for the election of the officers of the commission;

11 “(e) Providing reasonable standards and procedures for the estab-  
12 lishment of the personnel policies and programs of the commission.  
13 Notwithstanding any civil service or other similar laws of any member  
14 state, the bylaws exclusively govern the personnel policies and pro-  
15 grams of the commission;

16 “(f) Promulgating a code of ethics to address permissible and pro-  
17 hibited activities of commission members and employees;

18 “(g) Providing a mechanism for winding up the operations of the  
19 commission and the equitable disposition of any surplus funds that  
20 may exist after the termination of this compact after the payment and  
21 reserving of all of the commission's debts and obligations;

22 “(h) Publishing the bylaws and amendments to the bylaws, and fil-  
23 ing the bylaws and amendments, with the appropriate agency or offi-  
24 cer in each of the member states;

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

27 “(j) Meeting and taking any actions consistent with the provisions  
28 of this compact and the bylaws.

29 “(9) The commission is authorized to:

30 “(a) Promulgate uniform rules to facilitate and coordinate imple-

1 **mentation and administration of this compact. The rules shall have**  
2 **the force and effect of law and are binding in all member states.**

3 **“(b) Bring and prosecute legal proceedings or actions in the name**  
4 **of the commission, provided that the standing of any state EMS au-**  
5 **thority to sue or be sued under applicable law is not affected.**

6 **“(c) Purchase and maintain insurance and bonds.**

7 **“(d) Borrow, accept or contract for services of personnel, including,**  
8 **but not limited to, employees of a member state.**

9 **“(e) Hire employees and elect or appoint officers, fix the compen-**  
10 **sation and define the duties of employees and officers, grant employees**  
11 **and officers the appropriate authority to carry out the purposes of this**  
12 **compact and establish the commission’s personnel policies and pro-**  
13 **grams relating to conflicts of interest, qualifications of personnel and**  
14 **other related personnel matters.**

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

19 **“(g) Lease, purchase, accept appropriate gifts or donations of, or**  
20 **otherwise to own, hold, improve or use, any property, real, personal**  
21 **or mixed, provided that at all times the commission shall strive to**  
22 **avoid any appearance of impropriety or conflict of interest.**

23 **“(h) Sell convey, mortgage, pledge, lease, exchange, abandon or**  
24 **otherwise dispose of any property real, personal or mixed.**

25 **“(i) Establish a budget and make expenditures.**

26 **“(j) Borrow money.**

27 **“(k) Appoint committees, including advisory committees consisting**  
28 **of members, state regulators, state legislators or their representatives,**  
29 **consumer representatives and other interested persons as may be**  
30 **designated in this compact and the bylaws.**

1       “(L) Provide and receive information from, and to cooperate with,  
2 law enforcement agencies.

3       “(m) Adopt and use an official seal.

4       “(n) Perform such other functions as necessary or appropriate to  
5 achieve the purposes of this compact consistent with the state regu-  
6 lation of EMS personnel licensure and practice.

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

10       “(b) The commission may accept revenue sources, donations and  
11 grants of money, equipment, supplies, materials and services.

12       “(c) The commission may levy on and collect an annual assessment  
13 from each member state or impose fees on other parties to cover the  
14 cost of the operations and activities of the commission and its staff.  
15 The assessments or fees must be in a total amount sufficient to cover  
16 the commission’s annual budget as approved each year for which rev-  
17 enue is not provided by other sources. The aggregate annual assess-  
18 ment amount, if any, shall be allocated based upon a formula to be  
19 determined by the commission, which shall promulgate a rule binding  
20 upon all member states.

21       “(d) An assessment levied, or any other financial obligation im-  
22 posed, under this compact is effective against the State of Oregon only  
23 to the extent that moneys necessary to pay the assessment or meet  
24 the financial obligations have been deposited in the General Fund in  
25 the State Treasury and credited to the Oregon Health Authority.

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

30       “(f) The commission shall keep accurate accounts of all receipts and



1 **disbursements. The receipts and disbursements of the commission are**  
2 **subject to the audit and accounting procedures established under the**  
3 **commission’s bylaws. All receipts and disbursements of funds handled**  
4 **by the commission must be audited yearly by a certified or licensed**  
5 **public accountant, and the report of the audit shall be included in and**  
6 **become part of the annual report of the commission.**

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

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

28 **“(c) The commission shall indemnify and hold harmless any mem-**  
29 **ber, officer, executive director, employee or representative of the**  
30 **commission for the amount of any settlement or judgment obtained**

1 against that person arising out of any actual or alleged act, error or  
2 omission that occurred within the scope of commission employment,  
3 duties or responsibilities, or that such person had a reasonable basis  
4 for believing occurred within the scope of commission employment,  
5 duties or responsibilities, provided that the actual or alleged act, error  
6 or omission did not result from the intentional or willful or wanton  
7 misconduct of that person.

8  
9 **“ARTICLE XI**  
10 **COORDINATED DATABASE**

11  
12 **“(1) The commission shall provide for the development and main-**  
13 **tenance of a coordinated database and reporting system containing**  
14 **data on licensure, adverse action and significant investigatory infor-**  
15 **mation on all licensed individuals in member states.**

16 **“(2) Notwithstanding any other provision of state law to the con-**  
17 **trary, a member state shall submit a uniform data set to the coordi-**  
18 **nated database on all individuals to whom this compact is applicable**  
19 **as required by the rules of the commission, including:**

20 **“(a) Identifying information;**

21 **“(b) Licensure data;**

22 **“(c) Significant investigatory information;**

23 **“(d) Adverse actions against an individual’s license;**

24 **“(e) An indicator that an individual’s privilege to practice is re-**  
25 **stricted, suspended or revoked;**

26 **“(f) Nonconfidential information related to alternative program**  
27 **participation;**

28 **“(g) Any denial of application for licensure and the reason for the**  
29 **denial; and**

30 **“(h) Other information that may facilitate the administration of**

1 **this compact, as determined by the rules of the commission.**

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

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

9 **“(5) Any information submitted to the coordinated database that is**  
10 **subsequently required to be expunged by the laws of the member state**  
11 **contributing the information shall be removed from the coordinated**  
12 **database.**

13

14

**“ARTICLE XII**  
**RULEMAKING**

15

16

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

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

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

30 **“(3) Rules or amendments to the rules shall be adopted at a regular**

1 or special meeting of the commission.

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

6 “(a) On the website of the commission; and

7 “(b) On the website of each member state EMS authority or the  
8 publication in which each state would otherwise publish proposed  
9 rules.

10 “(5) The notice of proposed rulemaking must include:

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

13 “(b) The text of the proposed rule or amendment and the reason for  
14 the proposed rule;

15 “(c) A request for comments on the proposed rule from any inter-  
16 ested person; and

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

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

23 “(7) The commission shall grant an opportunity for a public hearing  
24 before it adopts a rule or amendment if a hearing is requested by:

25 “(a) At least 25 persons;

26 “(b) A governmental subdivision or agency; or

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

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

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

5       **“(c) Hearings must be conducted in a manner providing each person**  
6 **who wishes to comment a fair and reasonable opportunity to comment**  
7 **orally or in writing.**

8       **“(d) No transcript of the hearing is required, unless a written re-**  
9 **quest for a transcript is made, in which case the person requesting the**  
10 **transcript shall bear the cost of producing the transcript. A recording**  
11 **may be made in lieu of a transcript under the same terms and condi-**  
12 **tions as a transcript. This subsection does not preclude the commis-**  
13 **sion from making a transcript or recording of the hearing if it so**  
14 **chooses.**

15       **“(e) Nothing in this Article shall be construed as requiring a sepa-**  
16 **rate hearing on each rule. Rules may be grouped for the convenience**  
17 **of the commission at hearings required by this Article.**

18       **“(9) Following the scheduled hearing date, or by the close of busi-**  
19 **ness on the scheduled hearing date if the hearing was not held, the**  
20 **commission shall consider all written and oral comments received.**

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

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

28       **“(12) Upon determination that an emergency exists, the commission**  
29 **may consider and adopt an emergency rule without prior notice, op-**  
30 **portunity for comment or hearing, provided that the usual rulemaking**

1 procedures provided in this compact and in this Article are  
2 retroactively applied to the rule as soon as reasonably possible but not  
3 later than 90 days after the effective date of the rule. For the purposes  
4 of this provision, an emergency rule is a rule that must be adopted  
5 immediately to:

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

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

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

10 “(d) Protect public health and safety.

11 “(13) The commission or an authorized committee of the commis-  
12 sion may direct revisions to a previously adopted rule or amendment  
13 for purposes of correcting typographical errors, errors in format, er-  
14 rors in consistency or grammatical errors. Public notice of any re-  
15 visions shall be posted on the website of the commission. The revision  
16 is subject to challenge by any person for 30 days after posting. The  
17 revision may be challenged only on grounds that the revision results  
18 in a material change to a rule. A challenge must be made in writing  
19 and delivered to the chair of the commission prior to the end of the  
20 notice period. If no challenge is made, the revision is effective without  
21 further action. If the revision is challenged, the revision may not take  
22 effect without the approval of the commission.

23

24

### “ARTICLE XIII

25

### OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

26

27 “(1)(a) The executive, legislative and judicial branches of state  
28 government in each member state shall enforce this compact and take  
29 all actions necessary and appropriate to effectuate this compact’s  
30 purposes and intent. The provisions of this compact and the rules

1 promulgated pursuant to this compact and adopted by the Oregon  
2 Health Authority have standing as statutory law.

3 “(b) All courts shall take judicial notice of this compact and the  
4 rules in any judicial or administrative proceeding in a member state  
5 pertaining to the subject matter of this compact that may affect the  
6 powers, responsibilities or actions of the commission.

7 “(c) The commission is entitled to receive service of process in any  
8 such proceeding and has standing to intervene in such a proceeding  
9 for all purposes. Failure to provide service of process to the commis-  
10 sion renders a judgment or order void as to the commission, this  
11 compact or promulgated rules.

12 “(2)(a) If the commission determines that a member state has de-  
13 faulted in the performance of its obligations or responsibilities under  
14 this compact or the promulgated rules, the commission shall:

15 “(A) Provide written notice to the defaulting state and other mem-  
16 ber states of the nature of the default, the proposed means of curing  
17 the default and any other action to be taken by the commission; and

18 “(B) Provide remedial training and specific technical assistance re-  
19 garding the default.

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

27 “(c) Termination of membership in this compact may be imposed  
28 only after all other means of securing compliance have been ex-  
29 hausted. Notice of intent to terminate shall be given by the commis-  
30 sion to the Governor of the defaulting state and of each of the member

1 states and to the majority and minority leaders of the legislature of  
2 the defaulting state and of each of the member states.

3 “(d) A state whose membership has been terminated is responsible  
4 for all assessments, obligations and liabilities incurred through the  
5 effective date of termination, including obligations that extend beyond  
6 the effective date of termination.

7 “(e) The commission may not bear any costs related to a state that  
8 is found to be in default or that has been terminated from this com-  
9 pact unless agreed upon in writing between the commission and the  
10 defaulting state.

11 “(f) The defaulting state may appeal the action of the commission  
12 by petitioning the United States District Court for the District of  
13 Columbia or the federal district where the commission has its princi-  
14 pal offices. The prevailing party shall be awarded all costs of such lit-  
15 igation, including reasonable attorney’s fees.

16 “(3)(a) Upon request by a member state, the commission shall at-  
17 tempt to resolve disputes related to this compact that arise among  
18 member states and between member and nonmember states.

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

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

23 “(b) By majority vote, the commission may initiate legal action in  
24 the United States District Court for the District of Columbia or the  
25 federal district where the commission has its principal offices against  
26 a member state in default to enforce compliance with the provisions  
27 of this compact and its promulgated rules and bylaws. The relief  
28 sought may include both injunctive relief and damages. The prevailing  
29 party shall be awarded all costs of such litigation, including reasonable  
30 attorney’s fees.



1       “(c) The remedies listed in this Article are not the exclusive reme-  
2       dies of the commission. The commission may pursue any other reme-  
3       dies available under federal or state law.

4  
5   **“ARTICLE XIV**  
6       **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION**  
7       **FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES;**  
8   **WITHDRAWAL AND AMENDMENT**  
9

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

12       “(2) Any state that joins this compact subsequent to the  
13       commission’s initial adoption of the rules is subject to the rules as  
14       they exist on the date on which this compact becomes law in that  
15       state. Any rule that has been previously adopted by the commission  
16       has the full force and effect of law on the date this compact becomes  
17       law in that state.

18       “(3)(a) Any member state may withdraw from this compact by en-  
19       acting a statute repealing the same.

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

22       “(c) Withdrawal does not affect the continuing requirement of the  
23       state EMS authority of the withdrawing state to comply with the in-  
24       vestigative and adverse action reporting requirements of this compact  
25       prior to the effective date of withdrawal.

26       “(4) Nothing contained in this compact shall be construed to inval-  
27       idate or prevent any EMS personnel licensure agreement or other co-  
28       operative arrangement between a member state and a nonmember  
29       state that does not conflict with the provisions of this compact.

30       “(5) This compact may be amended by the member states. No

1 amendment to this compact is effective and binding upon any member  
2 state until it is enacted into the laws of all member states.

3

4

**“ARTICLE XV**

5

**CONSTRUCTION AND SEVERABILITY**

6

7

**“This compact shall be liberally construed so as to effectuate its  
8 purposes. If this compact is held to be contrary to the constitution of  
9 any state member thereto, this compact remains in full force and ef-  
10 fect as to the remaining member states. Nothing in this compact su-  
11 persedes state law or rules related to licensure of EMS agencies.**

12

“ \_\_\_\_\_

13

”.

14

In line 37, delete “17” and insert “18”.

15

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