

Senate Bill 857

Sponsored by Senator FINDLEY

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 Recognition of Emergency Medical Services Personnel Licensure Interstate Compact. Permits Oregon Health Authority to disclose specified information to Interstate Commission for EMS Personnel Practice. Exempts individuals authorized to work under compact's privilege to practice from requirement to obtain authorization from authority. Allows authority to use moneys to meet financial obligations imposed on State of Oregon as result of participation in compact.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to an emergency medical services personnel licensure compact; creating new provisions;
3 amending ORS 676.177, 682.204 and 682.403; and prescribing an effective date.

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

5 **SECTION 1. The provisions of the Recognition of Emergency Medical Services Personnel**
6 **Licensure Interstate Compact are as follows:**

RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE

INTERSTATE COMPACT

("REPLICA")

EMS PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

11
12 **In order to protect the public through verification of competency and ensure account-**
13 **ability for patient care related activities, all states license emergency medical services (EMS)**
14 **personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics.**
15 **This Compact is intended to facilitate the day-to-day movement of EMS personnel across**
16 **state boundaries in the performance of their EMS duties as assigned by an appropriate au-**
17 **thority and authorize state EMS offices to afford immediate legal recognition to EMS per-**
18 **sonnel licensed in a member state. This Compact recognizes that states have a vested**
19 **interest in protecting the public's health and safety through their licensing and regulation**
20 **of EMS personnel and that such state regulation shared among the member states will best**
21 **protect public health and safety. This Compact is designed to achieve the following purposes**
22 **and objectives:**

23 **1. Increase public access to EMS personnel;**

24 **2. Enhance the states' ability to protect the public's health and safety, especially patient**
25 **safety;**

26 **3. Encourage the cooperation of member states in the areas of EMS personnel licensure**
27 **and regulation;**

28 **4. Support licensing of military members who are separating from an active duty tour,**
29 **and their spouses;**

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 **5. Facilitate the exchange of information between member states regarding EMS per-**
2 **sonnel licensure, adverse action and significant investigatory information;**

3 **6. Promote compliance with the laws governing EMS personnel practice in each member**
4 **state; and**

5 **7. Invest all member states with the authority to hold EMS personnel accountable**
6 **through the mutual recognition of member state licenses.**

7 **SECTION 2. DEFINITIONS**

8 **In this compact:**

9 **A. “Advanced Emergency Medical Technician (AEMT)” means an individual licensed with**
10 **cognitive knowledge and a scope of practice that corresponds to that level in the National**
11 **EMS Education Standards and National EMS Scope of Practice Model.**

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

19 **C. “Alternative program” means a voluntary, nondisciplinary substance abuse recovery**
20 **program approved by a state EMS authority.**

21 **D. “Certification” means the successful verification of entry-level cognitive and**
22 **psychomotor competency using a reliable, validated and legally defensible examination.**

23 **E. “Commission” means the national administrative body of which all states that have**
24 **enacted the Compact are members.**

25 **F. “Emergency Medical Technician (EMT)” means an individual licensed with cognitive**
26 **knowledge and a scope of practice that corresponds to that level in the National EMS Edu-**
27 **cation Standards and National EMS Scope of Practice Model.**

28 **G. “Home state” means a member state where an individual is licensed to practice**
29 **emergency medical services.**

30 **H. “License” means the authorization by a state for an individual to practice as an EMT,**
31 **AEMT or paramedic or a level in between EMT and paramedic.**

32 **I. “Medical director” means a physician licensed in a member state who is accountable**
33 **for the care delivered by EMS personnel.**

34 **J. “Member state” means a state that has enacted this Compact.**

35 **K. “Privilege to practice” means an individual’s authority to deliver emergency medical**
36 **services in remote states as authorized under this Compact.**

37 **L. “Paramedic” means an individual licensed with cognitive knowledge and a scope of**
38 **practice that corresponds to that level in the National EMS Education Standards and Na-**
39 **tional EMS Scope of Practice Model.**

40 **M. “Remote state” means a member state in which an individual is not licensed.**

41 **N. “Restricted” means the outcome of an adverse action that limits a license or the**
42 **privilege to practice.**

43 **O. “Rule” means a written statement by the interstate Commission promulgated pursu-**
44 **ant to Section 12 of this Compact that is of general applicability; implements, interprets or**
45 **prescribes a policy or provision of the Compact; or is an organizational, procedural or prac-**

1 tice requirement of the Commission and has the force and effect of statutory law in a
 2 member state and includes the amendment, repeal or suspension of an existing rule.

3 P. "Scope of practice" means defined parameters of various duties or services that maybe
 4 provided by an individual with specific credentials. Whether regulated by rule, statute or
 5 court decision, it tends to represent the limits of services an individual may perform.

6 Q. "Significant investigatory information" means:

7 1. Investigative information that a state EMS authority, after a preliminary inquiry that
 8 includes notification and an opportunity to respond if required by state law, has reason to
 9 believe, if proved true, would result in the imposition of an adverse action on a license or
 10 privilege to practice; or

11 2. Investigative information that indicates that the individual represents an immediate
 12 threat to public health and safety regardless of whether the individual has been notified and
 13 had an opportunity to respond.

14 R. "State" means any state, commonwealth, district or territory of the United States.

15 S. "State EMS authority" means the board, office or other agency with the legislative
 16 mandate to license EMS personnel.

17 **SECTION 3. HOME STATE LICENSURE**

18 A. Any member state in which an individual holds a current license shall be deemed a
 19 home state for purposes of this Compact.

20 B. Any member state may require an individual to obtain and retain a license to be au-
 21 thorized to practice in the member state under circumstances not authorized by the privilege
 22 to practice under the terms of this Compact.

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

25 1. Currently requires the use of the National Registry of Emergency Medical Technicians
 26 (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic
 27 levels;

28 2. Has a mechanism in place for receiving and investigating complaints about individuals;

29 3. Notifies the Commission, in compliance with the terms herein, of any adverse action
 30 or significant investigatory information regarding an individual;

31 4. No later than five years after activation of the Compact, requires a criminal back-
 32 ground check of all applicants for initial licensure, including the use of the results of fin-
 33 gerprint or other biometric data checks compliant with the requirements of the Federal
 34 Bureau of Investigation with the exception of federal employees who have a suitability de-
 35 termination in accordance with 5 C.F.R. 731.202 and submit documentation of such as
 36 promulgated in the rules of the Commission; and

37 5. Complies with the rules of the Commission.

38 **SECTION 4. COMPACT PRIVILEGE TO PRACTICE**

39 A. Member states shall recognize the privilege to practice of an individual licensed in
 40 another member state that is in conformance with Section 3 of this Compact.

41 B. To exercise the privilege to practice under the terms and provisions of this Compact,
 42 an individual must:

43 1. Be at least 18 years of age;

44 2. Possess a current unrestricted license in a member state as an EMT, AEMT,
 45 paramedic or state recognized and licensed level with a scope of practice and authority be-

1 tween EMT and paramedic; and

2 3. Practice under the supervision of a medical director.

3 C. An individual providing patient care in a remote state under the privilege to practice
4 shall function within the scope of practice authorized by the home state unless and until
5 modified by an appropriate authority in the remote state as may be defined in the rules of
6 the Commission.

7 D. Except as provided in Section 4.C. of this Compact, an individual practicing in a re-
8 mote state will be subject to the remote state's authority and laws. A remote state may, in
9 accordance with due process and that state's laws, restrict, suspend or revoke an individual's
10 privilege to practice in the remote state and may take any other necessary actions to protect
11 the health and safety of its citizens. If a remote state takes action, it shall promptly notify
12 the home state and the Commission.

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

16 F. If an individual's privilege to practice in any remote state is restricted, suspended or
17 revoked, the individual shall not be eligible to practice in any remote state until the
18 individual's privilege to practice is restored.

19 **SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE**

20 An individual may practice in a remote state under a privilege to practice only in the
21 performance of the individual's EMS duties as assigned by an appropriate authority, as de-
22 fined in the rules of the Commission, and under the following circumstances:

23 1. The individual originates a patient transport in a home state and transports the pa-
24 tient to a remote state;

25 2. The individual originates in the home state and enters a remote state to pick up a
26 patient and provide care and transport of the patient to the home state;

27 3. The individual enters a remote state to provide patient care or transport within that
28 remote state;

29 4. The individual enters a remote state to pick up a patient and provide care and trans-
30 port to a third member state; or

31 5. Other conditions as determined by rules promulgated by the Commission.

32 **SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COM-
33 PACT**

34 Upon a member state's Governor's declaration of a state of emergency or disaster that
35 activates the Emergency Management Assistance Compact (EMAC), all relevant terms and
36 provisions of EMAC shall apply and to the extent any terms or provisions of this Compact
37 conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual prac-
38 ticing in the remote state in response to such declaration.

39 **SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY
40 MILITARY, AND THEIR SPOUSES**

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

1 **B. Member states shall expedite the processing of licensure applications submitted by**
2 **veterans, active military service members and members of the National Guard and Reserves**
3 **separating from an active duty tour, and their spouses.**

4 **C. All individuals functioning with a privilege to practice under this Section remain sub-**
5 **ject to the adverse actions provisions of Section 8 of this Compact.**

6 **SECTION 8. ADVERSE ACTIONS**

7 **A. A home state shall have exclusive power to impose adverse action against an**
8 **individual's license issued by the home state.**

9 **B. If an individual's license in any home state is restricted or suspended, the individual**
10 **shall not be eligible to practice in a remote state under the privilege to practice until the**
11 **individual's home state license is restored.**

12 **1. All home state adverse action orders shall include a statement that the individual's**
13 **compact privileges are inactive. The order may allow the individual to practice in remote**
14 **states with prior written authorization from both the home state and remote state's EMS**
15 **authority.**

16 **2. An individual currently subject to adverse action in the home state shall not practice**
17 **in any remote state without prior written authorization from both the home state and re-**
18 **mote state's EMS authority.**

19 **C. A member state shall report adverse actions and any occurrences that the individual's**
20 **compact privileges are restricted, suspended or revoked to the Commission in accordance**
21 **with the rules of the Commission.**

22 **D. A remote state may take adverse action on an individual's privilege to practice within**
23 **that state.**

24 **E. Any member state may take adverse action against an individual's privilege to prac-**
25 **tice in that state based on the factual findings of another member state, so long as each**
26 **state follows its own procedures for imposing such adverse action.**

27 **F. A home state's EMS authority shall investigate and take appropriate action with re-**
28 **spect to reported conduct in a remote state as it would if such conduct had occurred within**
29 **the home state. In such cases, the home state's law shall control in determining the appro-**
30 **priate adverse action.**

31 **G. Nothing in this Compact shall override a member state's decision that participation**
32 **in an alternative program may be used in lieu of adverse action and that such participation**
33 **shall remain nonpublic if required by the member state's laws. Member states must require**
34 **individuals who enter any alternative programs to agree not to practice in any other member**
35 **state during the term of the alternative program without prior authorization from such**
36 **other member state.**

37 **SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AU-** 38 **THORITY**

39 **A member state's EMS authority, in addition to any other powers granted under state**
40 **law, is authorized under this Compact to:**

41 **1. Issue subpoenas for both hearings and investigations that require the attendance and**
42 **testimony of witnesses and the production of evidence. Subpoenas issued by a member state's**
43 **EMS authority for the attendance and testimony of witnesses, or the production of evidence**
44 **from another member state, shall be enforced in the remote state by any court of competent**
45 **jurisdiction, according to that court's practice and procedure in considering subpoenas issued**

1 in its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel
 2 expenses, mileage and other fees required by the service statutes of the state where the
 3 witnesses or evidence are located; and

4 2. Issue cease and desist orders to restrict, suspend or revoke an individual's privilege
 5 to practice in the state.

6 **SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PER-**
 7 **SONNEL PRACTICE**

8 **A. The Compact states hereby create and establish a joint public agency known as the**
 9 **Interstate Commission for EMS Personnel Practice.**

10 1. The Commission is a body politic and an instrumentality of the compact states.

11 2. Venue is proper and judicial proceedings by or against the Commission shall be brought
 12 solely and exclusively in a court of competent jurisdiction where the principal office of the
 13 Commission is located. The Commission may waive venue and jurisdictional defenses to the
 14 extent it adopts or consents to participate in alternative dispute resolution proceedings.

15 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

16 **B. Membership, Voting and Meetings**

17 1. Each member state shall have and be limited to one delegate. The responsible official
 18 of the state EMS authority or their designee shall be the delegate to this Compact for each
 19 member state. Any delegate may be removed or suspended from office as provided by the law
 20 of the state from which the delegate is appointed. Any vacancy occurring in the Commission
 21 shall be filled in accordance with the laws of the member state in which the vacancy exists.
 22 In the event that more than one board, office or other agency with the legislative mandate
 23 to license EMS personnel at and above the level of EMT exists, the Governor of the state
 24 will determine which entity will be responsible for assigning the delegate.

25 2. Each delegate shall be entitled to one vote with regard to the promulgation of rules
 26 and creation of bylaws and shall otherwise have an opportunity to participate in the business
 27 and affairs of the Commission. A delegate shall vote in person or by such other means as
 28 provided in the bylaws. The bylaws may provide for delegates' participation in meetings by
 29 telephone or other means of communication.

30 3. The Commission shall meet at least once during each calendar year. Additional
 31 meetings shall be held as set forth in the bylaws.

32 4. All meetings shall be open to the public, and public notice of meetings shall be given
 33 in the same manner as required under the rulemaking provisions in Section 12 of this Com-
 34 pact.

35 5. The Commission may convene in a closed, nonpublic meeting if the Commission must
 36 discuss:

37 a. Noncompliance of a member state with its obligations under the Compact;

38 b. The employment, compensation, discipline or other personnel matters, practices or
 39 procedures related to specific employees or other matters related to the Commission's
 40 internal personnel practices and procedures;

41 c. Current, threatened or reasonably anticipated litigation;

42 d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

43 e. Accusing any person of a crime or formally censuring any person;

44 f. Disclosure of trade secrets or commercial or financial information that is privileged
 45 or confidential;

1 **g. Disclosure of information of a personal nature where disclosure would constitute a**
2 **clearly unwarranted invasion of personal privacy;**

3 **h. Disclosure of investigatory records compiled for law enforcement purposes;**

4 **i. Disclosure of information related to any investigatory reports prepared by or on behalf**
5 **of or for use of the Commission or other committee charged with responsibility of investi-**
6 **gation or determination of compliance issues pursuant to the compact; or**

7 **j. Matters specifically exempted from disclosure by federal or member state statute.**

8 **6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the**
9 **Commission's legal counsel or designee shall certify that the meeting may be closed and shall**
10 **reference each relevant exempting provision. The Commission shall keep minutes that fully**
11 **and clearly describe all matters discussed in a meeting and shall provide a full and accurate**
12 **summary of actions taken, and the reasons therefore, including a description of the views**
13 **expressed. All documents considered in connection with an action shall be identified in such**
14 **minutes. All minutes and documents of a closed meeting shall remain under seal, subject to**
15 **release by a majority vote of the Commission or order of a court of competent jurisdiction.**

16 **C. The Commission shall, by a majority vote of the delegates, prescribe bylaws or rules**
17 **to govern its conduct as may be necessary or appropriate to carry out the purposes and ex-**
18 **ercise the powers of the Compact, including but not limited to:**

19 **1. Establishing the fiscal year of the Commission;**

20 **2. Providing reasonable standards and procedures:**

21 **a. For the establishment and meetings of other committees; and**

22 **b. Governing any general or specific delegation of any authority or function of the Com-**
23 **mission;**

24 **3. Providing reasonable procedures for calling and conducting meetings of the Commis-**
25 **sion, ensuring reasonable advance notice of all meetings and providing an opportunity for**
26 **attendance of such meetings by interested parties, with enumerated exceptions designed to**
27 **protect the public's interest, the privacy of individuals and proprietary information, including**
28 **trade secrets. The Commission may meet in closed session only after a majority of the**
29 **membership votes to close a meeting in whole or in part. As soon as practicable, the Com-**
30 **mission must make public a copy of the vote to close the meeting revealing the vote of each**
31 **member with no proxy votes allowed;**

32 **4. Establishing the titles, duties and authority and reasonable procedures for the election**
33 **of the officers of the Commission;**

34 **5. Providing reasonable standards and procedures for the establishment of the personnel**
35 **policies and programs of the Commission. Notwithstanding any civil service or other similar**
36 **laws of any member state, the bylaws shall exclusively govern the personnel policies and**
37 **programs of the Commission;**

38 **6. Promulgating a code of ethics to address permissible and prohibited activities of**
39 **Commission members and employees;**

40 **7. Providing a mechanism for winding up the operations of the Commission and the eq-**
41 **uitable disposition of any surplus funds that may exist after the termination of the Compact**
42 **after the payment or reserving of all of its debts and obligations;**

43 **8. The Commission shall publish its bylaws and file a copy thereof, and a copy of any**
44 **amendment thereto, with the appropriate agency or officer in each of the member states, if**
45 **any;**

1 **9. The Commission shall maintain its financial records in accordance with the bylaws;**
2 **and**

3 **10. The Commission shall meet and take such actions as are consistent with the pro-**
4 **visions of this Compact and the bylaws.**

5 **D. The Commission shall have the following powers:**

6 **1.a. The authority to promulgate uniform rules to facilitate and coordinate implementa-**
7 **tion and administration of this Compact. The rules shall have the force and effect of law**
8 **and shall be binding in all member states;**

9 **b. Notwithstanding Section 10.D.1.a. of this Compact, the Oregon Health Authority shall**
10 **review the rules of the Commission. The authority may approve and adopt the rules of the**
11 **Commission as rules of the authority. The State of Oregon is subject to a rule of the Com-**
12 **mission only if the rule of the Commission is adopted by the authority;**

13 **2. To bring and prosecute legal proceedings or actions in the name of the Commission,**
14 **provided that the standing of any state EMS authority or other regulatory body responsible**
15 **for EMS personnel licensure to sue or be sued under applicable law shall not be affected;**

16 **3. To purchase and maintain insurance and bonds;**

17 **4. To borrow, accept, or contract for services of personnel, including, but not limited to,**
18 **employees of a member state;**

19 **5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such**
20 **individuals appropriate authority to carry out the purposes of the compact and to establish**
21 **the Commission's personnel policies and programs relating to conflicts of interest, quali-**
22 **fications of personnel and other related personnel matters;**

23 **6. To accept any and all appropriate donations and grants of money, equipment, supplies,**
24 **materials and services, and to receive, utilize and dispose of the same; provided that at all**
25 **times the Commission shall strive to avoid any appearance of impropriety or conflict of in-**
26 **terest;**

27 **7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,**
28 **improve or use, any property, real, personal or mixed; provided that at all times the Com-**
29 **mission shall strive to avoid any appearance of impropriety;**

30 **8. To sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any**
31 **property real, personal or mixed;**

32 **9. To establish a budget and make expenditures;**

33 **10. To borrow money;**

34 **11. To appoint committees, including advisory committees composed of members, state**
35 **regulators, state legislators or their representatives, consumer representatives and such**
36 **other interested persons as may be designated in this Compact and the bylaws;**

37 **12. To provide and receive information from, and to cooperate with, law enforcement**
38 **agencies;**

39 **13. To adopt and use an official seal; and**

40 **14. To perform such other functions as may be necessary or appropriate to achieve the**
41 **purposes of this Compact consistent with the state regulation of EMS personnel licensure**
42 **and practice.**

43 **E. Financing of the Commission**

44 **1. The Commission shall pay, or provide for the payment of, the reasonable expenses of**
45 **its establishment, organization and ongoing activities.**

1 **2. The Commission may accept any and all appropriate revenue sources, donations and**
2 **grants of money, equipment, supplies, materials and services.**

3 **3.a. The Commission may levy on and collect an annual assessment from each member**
4 **state or impose fees on other parties to cover the cost of the operations and activities of the**
5 **Commission and its staff, which must be in a total amount sufficient to cover its annual**
6 **budget as approved each year for which revenue is not provided by other sources. The ag-**
7 **gregate annual assessment amount shall be allocated based upon a formula to be determined**
8 **by the Commission, which shall promulgate a rule binding upon all member states.**

9 **b. An assessment levied, or any other financial obligation imposed, under this Compact,**
10 **is effective against the State of Oregon only to the extent that moneys necessary to pay the**
11 **assessment or meet the financial obligation have been deposited in the Emergency Medical**
12 **Services Fund established under ORS 682.403.**

13 **4. The Commission shall not incur obligations of any kind prior to securing the funds**
14 **adequate to meet the same; nor shall the Commission pledge the credit of any of the member**
15 **states, except by and with the authority of the member state.**

16 **5. The Commission shall keep accurate accounts of all receipts and disbursements. The**
17 **receipts and disbursements of the Commission shall be subject to the audit and accounting**
18 **procedures established under its bylaws. However, all receipts and disbursements of funds**
19 **handled by the Commission shall be audited yearly by a certified or licensed public account-**
20 **ant, and the report of the audit shall be included in and become part of the annual report**
21 **of the Commission.**

22 **F. Qualified Immunity, Defense and Indemnification**

23 **1. The members, officers, executive director, employees and representatives of the Com-**
24 **mission shall be immune from suit and liability, either personally or in their official capacity,**
25 **for any claim for damage to or loss of property or personal injury or other civil liability**
26 **caused by or arising out of any actual or alleged act, error or omission that occurred, or that**
27 **the person against whom the claim is made had a reasonable basis for believing occurred**
28 **within the scope of Commission employment, duties or responsibilities; provided that nothing**
29 **in this paragraph shall be construed to protect any such person from suit or liability for any**
30 **damage, loss, injury or liability caused by the intentional or willful or wanton misconduct**
31 **of that person.**

32 **2. The Commission shall defend any member, officer, executive director, employee or**
33 **representative of the Commission in any civil action seeking to impose liability arising out**
34 **of any actual or alleged act, error or omission that occurred within the scope of Commission**
35 **employment, duties or responsibilities, or that the person against whom the claim is made**
36 **had a reasonable basis for believing occurred within the scope of Commission employment,**
37 **duties or responsibilities; provided that nothing herein shall be construed to prohibit that**
38 **person from retaining their own counsel; and provided further, that the actual or alleged act,**
39 **error or omission did not result from that person's intentional or willful or wanton miscon-**
40 **duct.**

41 **3. The Commission shall indemnify and hold harmless any member, officer, executive di-**
42 **rector, employee or representative of the Commission for the amount of any settlement or**
43 **judgment obtained against that person arising out of any actual or alleged act, error or**
44 **omission that occurred within the scope of Commission employment, duties or responsibil-**
45 **ities, or that such person had a reasonable basis for believing occurred within the scope of**

1 Commission employment, duties or responsibilities, provided that the actual or alleged act,
2 error or omission did not result from the intentional or willful or wanton misconduct of that
3 person.

4 SECTION 11. COORDINATED DATABASE

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

8 B. Notwithstanding any other provision of state law to the contrary, a member state
9 shall submit a uniform data set to the coordinated database on all individuals to whom this
10 Compact is applicable as required by the rules of the Commission, including:

11 1. Identifying information;

12 2. Licensure data;

13 3. Significant investigatory information;

14 4. Adverse actions against an individual's license;

15 5. An indicator that an individual's privilege to practice is restricted, suspended or re-
16 voked;

17 6. Nonconfidential information related to alternative program participation;

18 7. Any denial of application for licensure, and the reasons for such denial; and

19 8. Other information that may facilitate the administration of this Compact, as deter-
20 mined by the rules of the Commission.

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

24 D. Member states contributing information to the coordinated database may designate
25 information that may not be shared with the public without the express permission of the
26 contributing state.

27 E. Any information submitted to the coordinated database that is subsequently required
28 to be expunged by the laws of the member state contributing the information shall be re-
29 moved from the coordinated database.

30 SECTION 12. RULEMAKING

31 A. The Commission shall exercise its rulemaking powers pursuant to the criteria set
32 forth in this section and the rules adopted thereunder. Rules and amendments shall become
33 binding as of the date specified in each rule or amendment.

34 B. If a majority of the legislatures of the member states rejects a rule, by enactment of
35 a statute or resolution in the same manner used to adopt the Compact, then such rule shall
36 have no further force and effect in any member state.

37 C. Rules or amendments to the rules shall be adopted at a regular or special meeting of
38 the Commission.

39 D. Prior to promulgation and adoption of a final rule or rules by the Commission, and
40 at least 60 days in advance of the meeting at which the rule will be considered and voted
41 upon, the Commission shall file a notice of proposed rulemaking:

42 1. On the website of the Commission; and

43 2. On the website of each member state EMS authority or the publication in which each
44 state would otherwise publish proposed rules.

45 E. The notice of proposed rulemaking shall include:

1 **1. The proposed time, date and location of the meeting in which the rule will be consid-**
2 **ered and voted upon;**

3 **2. The text of the proposed rule or amendment and the reason for the proposed rule;**

4 **3. A request for comments on the proposed rule from any interested person; and**

5 **4. The manner in which interested persons may submit notice to the Commission of their**
6 **intention to attend the public hearing and any written comments.**

7 **F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit**
8 **written data, facts, opinions and arguments, which shall be made available to the public.**

9 **G. The Commission shall grant an opportunity for a public hearing before it adopts a rule**
10 **or amendment if a hearing is requested by:**

11 **1. At least 25 persons;**

12 **2. A governmental subdivision or agency; or**

13 **3. An association having at least 25 members.**

14 **H. If a hearing is held on the proposed rule or amendment, the Commission shall publish**
15 **the place, time and date of the scheduled public hearing.**

16 **1. All persons wishing to be heard at the hearing shall notify the executive director of**
17 **the Commission or other designated member in writing of their desire to appear and testify**
18 **at the hearing not less than five business days before the scheduled date of the hearing.**

19 **2. Hearings shall be conducted in a manner providing each person who wishes to com-**
20 **ment a fair and reasonable opportunity to comment orally or in writing.**

21 **3. No transcript of the hearing is required, unless a written request for a transcript is**
22 **made, in which case the person requesting the transcript shall bear the cost of producing the**
23 **transcript. A recording may be made in lieu of a transcript under the same terms and con-**
24 **ditions as a transcript. This subsection shall not preclude the Commission from making a**
25 **transcript or recording of the hearing if it so chooses.**

26 **4. Nothing in this section shall be construed as requiring a separate hearing on each rule.**
27 **Rules may be grouped for the convenience of the Commission at hearings required by this**
28 **section.**

29 **I. Following the scheduled hearing date, or by the close of business on the scheduled**
30 **hearing date if the hearing was not held, the Commission shall consider all written and oral**
31 **comments received.**

32 **J. The Commission shall, by majority vote of all members, take final action on the pro-**
33 **posed rule and shall determine the effective date of the rule, if any, based on the rulemaking**
34 **record and the full text of the rule.**

35 **K. If no written notice of intent to attend the public hearing by interested parties is re-**
36 **ceived, the Commission may proceed with promulgation of the proposed rule without a public**
37 **hearing.**

38 **L. Upon determination that an emergency exists, the Commission may consider and**
39 **adopt an emergency rule without prior notice, opportunity for comment or hearing, provided**
40 **that the usual rulemaking procedures provided in the Compact and in this section shall be**
41 **retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days**
42 **after the effective date of the rule. For the purposes of this provision, an emergency rule is**
43 **one that must be adopted immediately in order to:**

44 **1. Meet an imminent threat to public health, safety or welfare;**

45 **2. Prevent a loss of Commission or member state funds;**

1 **3. Meet a deadline for the promulgation of an administrative rule that is established by**
2 **federal law or rule; or**

3 **4. Protect public health and safety.**

4 **M. The Commission or an authorized committee of the Commission may direct revisions**
5 **to a previously adopted rule or amendment for purposes of correcting typographical errors,**
6 **errors in format, errors in consistency or grammatical errors. Public notice of any revisions**
7 **shall be posted on the website of the Commission. The revision shall be subject to challenge**
8 **by any person for a period of 30 days after posting. The revision may be challenged only on**
9 **grounds that the revision results in a material change to a rule. A challenge shall be made**
10 **in writing, and delivered to the chair of the Commission prior to the end of the notice period.**
11 **If no challenge is made, the revision will take effect without further action. If the revision**
12 **is challenged, the revision may not take effect without the approval of the Commission.**

13 **SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT**

14 **A. Oversight**

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

19 **2. All courts shall take judicial notice of the Compact and the rules in any judicial or**
20 **administrative proceeding in a member state pertaining to the subject matter of this Com-**
21 **compact which may affect the powers, responsibilities or actions of the Commission.**

22 **3. The Commission shall be entitled to receive service of process in any such proceeding,**
23 **and shall have standing to intervene in such a proceeding for all purposes. Failure to provide**
24 **service of process to the Commission shall render a judgment or order void as to the Com-**
25 **mission, this Compact or promulgated rules.**

26 **B. Default, Technical Assistance and Termination**

27 **1. If the Commission determines that a member state has defaulted in the performance**
28 **of its obligations or responsibilities under this Compact or the promulgated rules, the Com-**
29 **mission shall:**

30 **a. Provide written notice to the defaulting state and other member states of the nature**
31 **of the default, the proposed means of curing the default or any other action to be taken by**
32 **the Commission; and**

33 **b. Provide remedial training and specific technical assistance regarding the default.**

34 **2. If a state in default fails to cure the default, the defaulting state may be terminated**
35 **from the Compact upon an affirmative vote of a majority of the member states, and all**
36 **rights, privileges and benefits conferred by this Compact may be terminated on the effective**
37 **date of termination. A cure of the default does not relieve the offending state of obligations**
38 **or liabilities incurred during the period of default.**

39 **3. Termination of membership in the compact shall be imposed only after all other means**
40 **of securing compliance have been exhausted. Notice of intent to suspend or terminate shall**
41 **be given by the Commission to the Governor, the majority and minority leaders of the de-**
42 **faulting state's legislature, and each of the member states.**

43 **4. A state that has been terminated is responsible for all assessments, obligations and**
44 **liabilities incurred through the effective date of termination, including obligations that ex-**
45 **tend beyond the effective date of termination.**

1 **5. The Commission shall not bear any costs related to a state that is found to be in de-**
2 **fault or that has been terminated from the compact, unless agreed upon in writing between**
3 **the Commission and the defaulting state.**

4 **6. The defaulting state may appeal the action of the Commission by petitioning the United**
5 **States District Court for the District of Columbia or the federal district where the Commis-**
6 **sion has its principal offices. The prevailing member shall be awarded all costs of such liti-**
7 **gation, including reasonable attorney fees.**

8 **C. Dispute Resolution**

9 **1. Upon request by a member state, the Commission shall attempt to resolve disputes**
10 **related to the Compact that arise among member states and between member and non-**
11 **member states.**

12 **2. The Commission shall promulgate a rule providing for both mediation and binding**
13 **dispute resolution for disputes as appropriate.**

14 **D. Enforcement**

15 **1. The Commission, in the reasonable exercise of its discretion, shall enforce the pro-**
16 **visions and rules of this Compact.**

17 **2. By majority vote, the Commission may initiate legal action in the United States Dis-**
18 **trict Court for the District of Columbia or the federal district where the Commission has its**
19 **principal offices against a member state in default to enforce compliance with the provisions**
20 **of the Compact and its promulgated rules and bylaws. The relief sought may include both**
21 **injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing**
22 **member shall be awarded all costs of such litigation, including reasonable attorney fees.**

23 **3. The remedies herein shall not be the exclusive remedies of the Commission. The**
24 **Commission may pursue any other remedies available under federal or state law.**

25 **SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR**
26 **EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMEND-**
27 **MENT**

28 **A. The Compact shall come into effect on the date on which the compact statute is en-**
29 **acted into law in the 10th member state. The provisions, which become effective at that**
30 **time, shall be limited to the powers granted to the Commission relating to assembly and the**
31 **promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking pow-**
32 **ers necessary to the implementation and administration of the Compact.**

33 **B. Any state that joins the Compact subsequent to the Commission's initial adoption of**
34 **the rules shall be subject to the rules as they exist on the date on which the Compact be-**
35 **comes law in that state. Any rule that has been previously adopted by the Commission shall**
36 **have the full force and effect of law on the day the Compact becomes law in that state.**

37 **C. Any member state may withdraw from this Compact by enacting a statute repealing**
38 **the same.**

39 **1. A member state's withdrawal shall not take effect until six months after enactment**
40 **of the repealing statute.**

41 **2. Withdrawal shall not affect the continuing requirement of the withdrawing state's**
42 **EMS authority to comply with the investigative and adverse action reporting requirements**
43 **of this Compact prior to the effective date of withdrawal.**

44 **D. Nothing contained in this Compact shall be construed to invalidate or prevent any**
45 **EMS personnel licensure agreement or other cooperative arrangement between a member**

1 state and a nonmember state that does not conflict with the provisions of this Compact.

2 **E. This Compact may be amended by the member states. No amendment to this Compact**
 3 **shall become effective and binding upon any member state until it is enacted into the laws**
 4 **of all member states.**

5 **SECTION 15. CONSTRUCTION AND SEVERABILITY**

6 **This Compact shall be liberally construed so as to effectuate the purposes thereof. If this**
 7 **Compact shall be held contrary to the constitution of any state member thereto, the Com-**
 8 **compact shall remain in full force and effect as to the remaining member states. Nothing in this**
 9 **Compact supersedes state law or rules related to licensure of EMS agencies.**

10 **SECTION 2. The Legislative Assembly of the State of Oregon hereby ratifies the Recog-**
 11 **nitition of Emergency Medical Services Personnel Licensure Interstate Compact set forth in**
 12 **section 1 of this 2023 Act.**

13 **SECTION 3.** ORS 676.177 is amended to read:

14 676.177. (1) Notwithstanding any other provision of ORS 676.165 to 676.180, a health professional
 15 regulatory board, upon a determination by the board that it possesses otherwise confidential infor-
 16 mation that reasonably relates to the regulatory or enforcement function of another public entity,
 17 may disclose that information to the other public entity.

18 (2) Any public entity that receives information pursuant to subsection (1) of this section shall
 19 agree to take all reasonable steps to maintain the confidentiality of the information, except that the
 20 public entity may use or disclose the information to the extent necessary to carry out the regulatory
 21 or enforcement functions of the public entity.

22 (3) For purposes of this section, “public entity” means:

23 (a) A board or agency of this state, or a board or agency of another state with regulatory or
 24 enforcement functions similar to the functions of a health professional regulatory board of this state;

25 (b) A district attorney;

26 (c) The Department of Justice;

27 (d) A state or local public body of this state that licenses, franchises or provides emergency
 28 medical services; or

29 (e) A law enforcement agency of this state, another state or the federal government.

30 (4) Notwithstanding subsections (1) to (3) of this section[,]:

31 (a) The Oregon Board of Physical Therapy may disclose information described in subsection (1)
 32 of this section to the Physical Therapy Compact Commission established in ORS 688.240.

33 **(b) The Oregon Health Authority may disclose information described in subsection (1) of**
 34 **this section to the Interstate Commission for EMS Personnel Practice established in section**
 35 **1 of this 2023 Act.**

36 **SECTION 4.** ORS 682.204 is amended to read:

37 682.204. (1)(a) A person may not act as an emergency medical services provider unless the per-
 38 son is licensed under this chapter.

39 **(b) Paragraph (a) of this subsection does not apply to an individual who is authorized to**
 40 **work as an advanced emergency medical technician, emergency medical technician or**
 41 **paramedic by privilege to practice as those terms are defined in section 1 of this 2023 Act.**

42 (2) A person or governmental unit which operates an ambulance may not authorize a person to
 43 act for it as an emergency medical services provider unless the emergency medical services provider
 44 is licensed under this chapter.

45 (3) A person or governmental unit may not operate or allow to be operated in this state any

1 ambulance unless it is operated with at least one emergency medical services provider who is li-
2 censed at a level higher than emergency medical responder.

3 (4) It is a defense to any charge under this section that there was a reasonable basis for be-
4 lieving that the performance of services contrary to this section was necessary to preserve human
5 life, that diligent effort was made to obtain the services of a licensed emergency medical services
6 provider and that the services of a licensed emergency medical services provider were not available
7 or were not available in time as under the circumstances appeared necessary to preserve such hu-
8 man life.

9 (5) Subsections (1) to (3) of this section are not applicable to any individual, group of individuals,
10 partnership, entity, association or other organization otherwise subject thereto providing a service
11 to the public exclusively by volunteer unpaid workers, nor to any person who acts as an ambulance
12 attendant therefor, provided that in the particular county in which the service is rendered, the
13 county court or board of county commissioners has by order, after public hearing, granted exemption
14 from such subsections to the individual, group, partnership, entity, association or organization. When
15 exemption is granted under this section, any person who attends an individual who is ill or injured
16 or who has a disability in an ambulance may not purport to be an emergency medical services pro-
17 vider.

18 **SECTION 5.** ORS 682.403 is amended to read:

19 682.403. (1) The Emergency Medical Services Fund is established in the State Treasury, separate
20 and distinct from the General Fund. The Emergency Medical Services Fund consists of moneys col-
21 lected by the Oregon Health Authority under ORS 682.400 (3). Moneys in the fund are continuously
22 appropriated to the authority for the purposes of:

23 (a) Providing grants to emergency medical services providers for innovative ambulance pro-
24 grams;

25 (b) Funding the state medical assistance program, including but not limited to increasing re-
26 imbursement rates for emergency medical services transports; *[and]*

27 (c) Administering ORS 682.400[.]; **and**

28 **(d) Meeting the financial obligations imposed on the State of Oregon as a result of this**
29 **state's participation in the Recognition of Emergency Medical Services Personnel Licensure**
30 **Interstate Compact established under section 1 of this 2023 Act.**

31 (2) Interest earned by the fund shall be credited to the fund.

32 **SECTION 6.** (1) **The amendments to ORS 676.177 by section 3 of this 2023 Act apply to**
33 **information disclosed on and after the operative date specified in section 7 of this 2023 Act.**

34 **(2) The amendments to ORS 682.204 by section 4 of this 2023 Act apply to individuals au-**
35 **thorized to work as advanced emergency medical technicians, emergency medical technicians**
36 **or paramedics by privilege to practice on and after the operative date specified in section 7**
37 **of this 2023 Act.**

38 **(3) The amendments to ORS 682.403 by section 5 of this 2023 Act apply to moneys received**
39 **by the Oregon Health Authority on and after the operative date specified in section 7 of this**
40 **2023 Act.**

41 **SECTION 7.** (1) **Sections 1 and 2 of this 2023 Act and the amendments to ORS 676.177,**
42 **682.204 and 682.403 by sections 3 to 5 of this 2023 Act become operative on January 1, 2024.**

43 **(2) The Oregon Health Authority may take any action before the operative date specified**
44 **in subsection (1) of this section that is necessary to enable the authority to exercise, on and**
45 **after the operative date specified in subsection (1) of this section, all of the duties, functions**

1 and powers conferred on the authority by sections 1 and 2 of this 2023 Act and the amend-
2 ments to ORS 676.177, 682.204 and 682.403 by sections 3 to 5 of this 2023 Act.

3 **SECTION 8.** This 2023 Act takes effect on the 91st day after the date on which the 2023
4 regular session of the Eighty-second Legislative Assembly adjourns sine die.

5
