
HOUSE BILL 2462

State of Washington

66th Legislature

2020 Regular Session

By Representatives Dye, Schmick, and Chambers

Read first time 01/14/20. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to the recognition of the emergency medical
2 services personnel licensure interstate compact; and adding a new
3 chapter to Title 18 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** PURPOSE. In order to protect the public
6 through verification of competency and ensure accountability for
7 patient care related activities all states license emergency medical
8 services personnel, such as emergency medical technicians, advanced
9 emergency medical technicians and paramedics. This compact is
10 intended to facilitate the day to day movement of emergency medical
11 services personnel across state boundaries in the performance of
12 their emergency medical services duties as assigned by an appropriate
13 authority and authorize state emergency medical services offices to
14 afford immediate legal recognition to emergency medical services
15 personnel licensed in a member state. This compact recognizes that
16 states have a vested interest in protecting the public's health and
17 safety through their licensing and regulation of emergency medical
18 services personnel and that such state regulation shared among the
19 member states will best protect public health and safety. This
20 compact is designed to achieve the following purposes and objectives:

- 1 (1) Increase public access to emergency medical services
2 personnel;
- 3 (2) Enhance the states' ability to protect the public's health
4 and safety, especially patient safety;
- 5 (3) Encourage the cooperation of member states in the areas of
6 emergency medical services personnel licensure and regulation;
- 7 (4) Support licensing of military members who are separating from
8 an active duty tour and their spouses;
- 9 (5) Facilitate the exchange of information between member states
10 regarding emergency medical services personnel licensure, adverse
11 action, and significant investigatory information;
- 12 (6) Promote compliance with the laws governing emergency medical
13 services personnel practice in each member state; and
- 14 (7) Invest all member states with the authority to hold emergency
15 medical services personnel accountable through the mutual recognition
16 of member state licenses.

17 NEW SECTION. **Sec. 2.** DEFINITIONS. In this compact:

- 18 (1) "Advanced emergency medical technician" means an individual
19 licensed with cognitive knowledge and a scope of practice that
20 corresponds to that level in the national EMS education standards and
21 national EMS scope of practice model.
- 22 (2) "Adverse action" means any administrative, civil, equitable
23 or criminal action permitted by a state's laws which may be imposed
24 against licensed emergency medical services personnel by a state
25 emergency medical services authority or state court including, but
26 not limited to, actions against an individual's license such as
27 revocation, suspension, probation, consent agreement, monitoring or
28 other limitation or encumbrance on the individual's practice, letters
29 of reprimand or admonition, fines, criminal convictions, and state
30 court judgments enforcing adverse actions by the state emergency
31 medical services authority.
- 32 (3) "Alternative program" means a voluntary, nondisciplinary
33 substance abuse recovery program approved by a state emergency
34 medical services authority.
- 35 (4) "Certification" means the successful verification of entry-
36 level cognitive and psychomotor competency using a reliable,
37 validated, and legally defensible examination.
- 38 (5) "Commission" means the national administrative body of which
39 all states that have enacted the compact are members.

1 (6) "Emergency medical technician" means an individual licensed
2 with cognitive knowledge and a scope of practice that corresponds to
3 that level in the national EMS education standards and national EMS
4 scope of practice model.

5 (7) "Home state" means a member state where an individual is
6 licensed to practice emergency medical services.

7 (8) "License" means the authorization by a state for an
8 individual to practice as an emergency medical technician, advanced
9 emergency medical technician, paramedic, or a level in between
10 emergency medical technician and paramedic.

11 (9) "Medical director" means a physician licensed in a member
12 state who is accountable for the care delivered by emergency medical
13 services personnel.

14 (10) "Member state" means a state that has enacted this compact.

15 (11) "Privilege to practice" means an individual's authority to
16 deliver emergency medical services in remote states as authorized
17 under this compact.

18 (12) "Paramedic" means an individual licensed with cognitive
19 knowledge and a scope of practice that corresponds to that level in
20 the national EMS education standards and national EMS scope of
21 practice model.

22 (13) "Remote state" means a member state in which an individual
23 is not licensed.

24 (14) "Restricted" means the outcome of an adverse action that
25 limits a license or the privilege to practice.

26 (15) "Rule" means a written statement by the interstate
27 commission promulgated pursuant to section 12 of this act that is of
28 general applicability; implements, interprets, or prescribes a policy
29 or provision of the compact; or is an organizational, procedural, or
30 practice requirement of the commission and has the force and effect
31 of statutory law in a member state and includes the amendment,
32 repeal, or suspension of an existing rule.

33 (16) "Scope of practice" means defined parameters of various
34 duties or services that may be provided by an individual with
35 specific credentials. Whether regulated by rule, statute, or court
36 decision, it tends to represent the limits of services an individual
37 may perform.

38 (17) "Significant investigatory information" means:

39 (a) Investigative information that a state emergency medical
40 services authority, after a preliminary inquiry that includes

1 notification and an opportunity to respond if required by state law,
2 has reason to believe, if proved true, would result in the imposition
3 of an adverse action on a license or privilege to practice; or

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

8 (18) "State" means any state, commonwealth, district, or
9 territory of the United States.

10 (19) "State emergency medical services authority" means the
11 board, office, or other agency with the legislative mandate to
12 license emergency medical services personnel.

13 NEW SECTION. **Sec. 3.** HOME STATE LICENSURE. (1) Any member state
14 in which an individual holds a current license shall be deemed a home
15 state for purposes of this compact.

16 (2) Any member state may require an individual to obtain and
17 retain a license to be authorized to practice in the member state
18 under circumstances not authorized by the privilege to practice under
19 the terms of this compact.

20 (3) A home state's license authorizes an individual to practice
21 in a remote state under the privilege to practice only if the home
22 state:

23 (a) Currently requires the use of the national registry of
24 emergency medical technicians examination as a condition of issuing
25 initial licenses at the emergency medical technician and paramedic
26 levels;

27 (b) Has a mechanism in place for receiving and investigating
28 complaints about individuals;

29 (c) Notifies the commission, in compliance with the terms herein,
30 of any adverse action or significant investigatory information
31 regarding an individual;

32 (d) No later than five years after activation of the compact,
33 requires a criminal background check of all applicants for initial
34 licensure, including the use of the results of fingerprint or other
35 biometric data checks compliant with the requirements of the federal
36 bureau of investigation with the exception of federal employees who
37 have suitability determination in accordance with 5 C.F.R. Sec.
38 731.202 and submit documentation of such as promulgated in the rules
39 of the commission; and

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

2 NEW SECTION. **Sec. 4.** COMPACT PRIVILEGE TO PRACTICE. (1) Member
3 states shall recognize the privilege to practice of an individual
4 licensed in another member state that is in conformance with section
5 3 of this act.

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

8 (a) Be at least eighteen years of age;

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

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

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

20 (4) Except as provided in section 4(3) of this act, an individual
21 practicing in a remote state will be subject to the remote state's
22 authority and laws. A remote state may, in accordance with due
23 process and that state's laws, restrict, suspend, or revoke an
24 individual's privilege to practice in the remote state and may take
25 any other necessary actions to protect the health and safety of its
26 citizens. If a remote state takes action it shall promptly notify the
27 home state and the commission.

28 (5) If an individual's license in any home state is restricted or
29 suspended, the individual shall not be eligible to practice in a
30 remote state under the privilege to practice until the individual's
31 home state license is restored.

32 (6) Of an individual's privilege to practice in any remote state
33 is restricted, suspended, or revoked the individual shall not be
34 eligible to practice in any remote state until the individual's
35 privilege to practice is restored.

36 NEW SECTION. **Sec. 5.** CONDITIONS OF PRACTICE IN A REMOTE STATE.
37 An individual may practice in a remote state under a privilege to
38 practice only in the performance of the individual's emergency

1 medical services duties as assigned by an appropriate authority, as
2 defined in the rules of the commission, and under the following
3 circumstances:

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

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

9 (3) The individual enters a remote state to provide patient care
10 and/or transport within that remote state;

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

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

15 NEW SECTION. **Sec. 6.** RELATIONSHIP TO EMERGENCY MANAGEMENT
16 ASSISTANCE COMPACT. Upon a member state's governor's declaration of a
17 state of emergency or disaster that activates the emergency
18 management assistance compact, all relevant terms and provisions of
19 the emergency management assistance compact shall apply and to the
20 extent any terms or provisions of this compact conflicts with the
21 emergency management assistance compact, the terms of the emergency
22 management assistance compact shall prevail with respect to any
23 individual practicing in the remote state in response to such
24 declaration.

25 NEW SECTION. **Sec. 7.** VETERANS, SERVICE MEMBERS SEPARATING FROM
26 ACTIVE DUTY MILITARY, AND THEIR SPOUSES. (1) Member states shall
27 consider a veteran, active military service member, and member of the
28 national guard and reserves separating from an active duty tour, and
29 a spouse thereof, who holds a current valid and unrestricted national
30 registry of emergency medical technicians certification at or above
31 the level of the state license being sought as satisfying the minimum
32 training and examination requirements for such licensure.

33 (2) Member states shall expedite the processing of licensure
34 applications submitted by veterans, active military service members,
35 and members of the national guard and reserves separating from an
36 active duty tour, and their spouses.

1 (3) All individuals functioning with a privilege to practice
2 under this section remain subject to the adverse actions provisions
3 of section 8 of this act.

4 NEW SECTION. **Sec. 8.** ADVERSE ACTIONS. (1) A home state shall
5 have exclusive power to impose adverse actions against an
6 individual's license issued by the home state.

7 (2) If an individual's license in any home state is restricted or
8 suspended, the individual shall not be eligible to practice in a
9 remote state under the privilege to practice until the individual's
10 home state license is restored.

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

16 (b) An individual currently subject to adverse action in the home
17 state shall not practice in any remote state without prior written
18 authorization from both the home state and remote state's emergency
19 medical services authority.

20 (3) A member state shall report adverse actions and any
21 occurrences that the individual's compact privileges are restricted,
22 suspended, or revoked to the commission in accordance with the rules
23 of the commission.

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

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

30 (6) A home state's emergency medical services authority shall
31 investigate and take appropriate action with respect to reported
32 conduct in a remote state as it would if such conduct had occurred
33 within the home state. In such cases, the home state's law shall
34 control in determining the appropriate adverse action.

35 (7) Nothing in this compact shall override a member state's
36 decision that participation in an alternative program may be used in
37 lieu of adverse action and that such participation shall remain
38 nonpublic if required by the member state's laws. Member states must
39 require individuals who enter any alternative programs to agree not

1 to practice in any other member state during the term of the
2 alternative program without prior authorization from such other
3 member state.

4 NEW SECTION. **Sec. 9.** ADDITIONAL POWERS INVESTED IN A MEMBER
5 STATE'S EMERGENCY MEDICAL SERVICES AUTHORITY. A member state's
6 emergency medical services authority, in addition to any other powers
7 granted under state law, is authorized under this compact to:

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

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

21 NEW SECTION. **Sec. 10.** ESTABLISHMENT OF THE INTERSTATE
22 COMMISSION FOR EMERGENCY MEDICAL SERVICES PERSONNEL PRACTICE. (1) The
23 compact states hereby create and establish a joint public agency
24 known as the interstate commission for emergency medical services
25 personnel practice.

26 (a) The commission is a body politic and an instrumentality of
27 the compact states.

28 (b) Venue is proper and judicial proceedings by or against the
29 commission shall be brought solely and exclusively in a court of
30 competent jurisdiction where the principal office of the commission
31 is located. The commission may waive venue and jurisdictional
32 defenses to the extent it adopts or consents to participate in
33 alternative dispute resolution proceedings.

34 (c) Nothing in this compact shall be construed to be a waiver of
35 sovereign immunity.

36 (2) Membership, voting, and meetings.

37 (a) Each member state shall have and be limited to one delegate.
38 The responsible official of the state emergency medical services

1 authority or his designee shall be the delegate to this compact for
2 each member state. Any delegate may be removed or suspended from
3 office as provided by the law of the state from which the delegate is
4 appointed. Any vacancy occurring in the commission shall be filled
5 in accordance with the laws of the member state in which the vacancy
6 exists. In the event that more than one board, office, or other
7 agency with the legislative mandate to license emergency medical
8 services personnel at and above the level of emergency medical
9 technician exists, the governor of the state will determine which
10 entity will be responsible for assigning the delegate.

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

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

20 (d) All meetings shall be open to the public, and public notice
21 of meetings shall be given in the same manner as required under the
22 rule-making provisions in section 12 of this act.

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

25 (i) Noncompliance of a member state with its obligations under
26 the compact;

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

31 (iii) Current, threatened, or reasonably anticipated litigation;

32 (iv) Negotiation of contracts for the purchase or sale of goods,
33 services, or real estate;

34 (v) Accusing any person of a crime or formally censuring any
35 person;

36 (vi) Disclosure of trade secrets or commercial or financial
37 information that is privileged or confidential;

38 (vii) Disclosure of information of a personal nature where
39 disclosure would constitute a clearly unwarranted invasion of
40 personal privacy;

1 (viii) Disclosure of investigatory records compiled for law
2 enforcement purposes;

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

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

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

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

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

25 (b) Providing reasonable standards and procedures:

26 (i) For the establishment and meetings of other committees; and

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

29 (c) Providing reasonable procedures for calling and conducting
30 meetings of the commission, ensuring reasonable advance notice of all
31 meetings, and providing an opportunity for attendance of such
32 meetings by interested parties, with enumerated exceptions designed
33 to protect the public's interest, the privacy of individuals, and
34 proprietary information, including trade secrets. The commission may
35 meet in closed session only after a majority of the membership votes
36 to close a meeting in whole or in part. As soon as practicable, the
37 commission must make public a copy of the vote to close the meeting
38 revealing the vote of each member with no proxy votes allowed;

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

1 (e) Providing reasonable standards and procedures for the
2 establishment of the personnel policies and programs of the
3 commission. Notwithstanding any civil service or other similar laws
4 of any member state, the bylaws shall exclusively govern the
5 personnel policies and programs of the commission;

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

8 (g) Providing a mechanism for winding up the operations of the
9 commission and the equitable disposition of any surplus funds that
10 may exist after the termination of the compact after the payment
11 and/or reserving of all of its debts and obligations;

12 (h) The commission shall publish its bylaws and file a copy
13 thereof, and a copy of any amendment thereto, with the appropriate
14 agency or officer in each of the member states, if any;

15 (i) The commission shall maintain its financial records in
16 accordance with the bylaws;

17 (j) The commission shall meet and take such actions as are
18 consistent with the provisions of this compact and the bylaws.

19 (4) The commission shall have the following powers:

20 (a) The authority to promulgate uniform rules to facilitate and
21 coordinate implementation and administration of this compact. The
22 rules shall have the force and effect of law and shall be binding in
23 all member states;

24 (b) To bring and prosecute legal proceedings or actions in the
25 name of the commission, provided that the standing of any state
26 emergency medical services authority or other regulatory body
27 responsible for emergency medical services personnel licensure to sue
28 or be sued under applicable law shall not be affected;

29 (c) To purchase and maintain insurance and bonds;

30 (d) To borrow, accept, or contract for services of personnel,
31 including, but not limited to, employees of a member state;

32 (e) To hire employees, elect or appoint officers, fix
33 compensation, define duties, grant such individuals appropriate
34 authority to carry out the purposes of the compact, and to establish
35 the commission's personnel policies and programs relating to
36 conflicts of interest, qualifications of personnel, and other related
37 personnel matters;

38 (f) To accept any and all appropriate donations and grants of
39 money, equipment, supplies, materials and services, and to receive,
40 utilize and dispose of the same; provided that at all times the

1 commission shall strive to avoid any appearance of impropriety and/or
2 conflict of interest;

3 (g) To lease, purchase, accept appropriate gifts or donations of,
4 or otherwise to own, hold, improve or use, any property, real,
5 personal or mixed; provided that at all times the commission shall
6 strive to avoid any appearance of impropriety;

7 (h) To sell, convey, mortgage, pledge, lease, exchange, abandon,
8 or otherwise dispose of any property real, personal, or mixed;

9 (i) To establish a budget and make expenditures;

10 (j) To borrow money;

11 (k) To appoint committees, including advisory committees
12 comprised of members, state regulators, state legislators or their
13 representatives, and consumer representatives, and such other
14 interested persons as may be designated in this compact and the
15 bylaws;

16 (l) To provide and receive information from, and to cooperate
17 with, law enforcement agencies;

18 (m) To adopt and use an official seal; and

19 (n) To perform such other functions as may be necessary or
20 appropriate to achieve the purposes of this compact consistent with
21 the state regulation of emergency medical services personnel
22 licensure and practice.

23 (5) Financing of the commission.

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

27 (b) The commission may accept any and all appropriate revenue
28 sources, donations, and grants of money, equipment, supplies,
29 materials, and services.

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

38 (d) The commission shall not incur obligations of any kind prior
39 to securing the funds adequate to meet the same; nor shall the

1 commission pledge the credit of any of the member states, except by
2 and with the authority of the member state.

3 (e) The commission shall keep accurate accounts of all receipts
4 and disbursements. The receipts and disbursements of the commission
5 shall be subject to the audit and accounting procedures established
6 under its bylaws. However, all receipts and disbursements of funds
7 handled by the commission shall be audited yearly by a certified or
8 licensed public accountant, and the report of the audit shall be
9 included in and become part of the annual report of the commission.

10 (6) Qualified immunity, defense, and indemnification.

11 (a) The members, officers, executive director, employees, and
12 representatives of the commission shall be immune from suit and
13 liability, either personally or in their official capacity, for any
14 claim for damage to or loss of property or personal injury or other
15 civil liability caused by or arising out of any actual or alleged
16 act, error, or omission that occurred, or that the person against
17 whom the claim is made had a reasonable basis for believing occurred
18 within the scope of commission employment, duties, or
19 responsibilities; provided that nothing in this subsection (6)(a)
20 shall be construed to protect any such person from suit and/or
21 liability for any damage, loss, injury, or liability caused by the
22 intentional or willful or wanton misconduct of that person.

23 (b) The commission shall defend any member, officer, executive
24 director, employee, or representative of the commission in any civil
25 action seeking to impose liability arising out of any actual or
26 alleged act, error, or omission that occurred within the scope of
27 commission employment, duties, or responsibilities, or that the
28 person against whom the claim is made had a reasonable basis for
29 believing occurred within the scope of commission employment, duties,
30 or responsibilities; provided that nothing herein shall be construed
31 to prohibit that person from retaining his or her own counsel; and
32 provided further, that the actual or alleged act, error, or omission
33 did not result from that person's intentional or willful or wanton
34 misconduct.

35 (c) The commission shall indemnify and hold harmless any member,
36 officer, executive director, employee, or representative of the
37 commission for the amount of any settlement or judgment obtained
38 against that person arising out of any actual or alleged act, error,
39 or omission that occurred within the scope of commission employment,
40 duties, or responsibilities, or that such person had a reasonable

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

5 NEW SECTION. **Sec. 11.** COORDINATED DATABASE. (1) The commission
6 shall provide for the development and maintenance of a coordinated
7 database and reporting system containing licensure, adverse action,
8 and significant investigatory information on all licensed individuals
9 in member states.

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

- 14 (a) Identifying information;
- 15 (b) Licensure data;
- 16 (c) Significant investigatory information;
- 17 (d) Adverse actions against an individual's license;
- 18 (e) An indicator that an individual's privilege to practice is
19 restricted, suspended, or revoked;
- 20 (f) Nonconfidential information related to alternative program
21 participation;
- 22 (g) Any denial of application for licensure, and the reasons for
23 such denial; and
- 24 (h) Other information that may facilitate the administration of
25 this compact, as determined by the rules of the commission.

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

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

32 (5) Any information submitted to the coordinated database that is
33 subsequently required to be expunged by the laws of the member state
34 contributing the information shall be removed from the coordinated
35 database.

36 NEW SECTION. **Sec. 12.** RULE MAKING. (1) The commission shall
37 exercise its rule-making powers pursuant to the criteria set forth in
38 this section and the rules adopted thereunder. Rules and amendments

1 shall become binding as of the date specified in each rule or
2 amendment.

3 (2) If a majority of the legislatures of the member states
4 rejects a rule, by enactment of a statute or resolution in the same
5 manner used to adopt the compact, then such rule shall have no
6 further force and effect in any member state.

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

9 (4) Prior to promulgation and adoption of a final rule or rules
10 by the commission, and at least sixty days in advance of the meeting
11 at which the rule will be considered and voted upon, the commission
12 shall file a notice of proposed rule making:

13 (a) On the web site of the commission; and

14 (b) On the web site of each member state emergency medical
15 services authority or the publication in which each state would
16 otherwise publish proposed rules.

17 (5) The notice of proposed rule making shall include:

18 (a) The proposed time, date, and location of the meeting in which
19 the rule will be considered and voted upon;

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

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

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

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

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

33 (a) At least twenty-five persons;

34 (b) A governmental subdivision or agency; or

35 (c) An association having at least twenty-five members.

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

39 (a) All persons wishing to be heard at the hearing shall notify
40 the executive director of the commission or other designated member

1 in writing of their desire to appear and testify at the hearing not
2 less than five business days before the scheduled date of the
3 hearing.

4 (b) Hearings shall be conducted in a manner providing each person
5 who wishes to comment a fair and reasonable opportunity to comment
6 orally or in writing.

7 (c) No transcript of the hearing is required, unless a written
8 request for a transcript is made, in which case the person requesting
9 the transcript shall bear the cost of producing the transcript. A
10 recording may be made in lieu of a transcript under the same terms
11 and conditions as a transcript. This subsection shall not preclude
12 the commission from making a transcript or recording of the hearing
13 if it so chooses.

14 (9) Nothing in this section shall be construed as requiring a
15 separate hearing on each rule. Rules may be grouped for the
16 convenience of the commission at hearings required by this section.

17 (10) Following the scheduled hearing date, or by the close of
18 business on the scheduled hearing date if the hearing was not held,
19 the commission shall consider all written and oral comments received.

20 (11) The commission shall, by majority vote of all members, take
21 final action on the proposed rule and shall determine the effective
22 date of the rule, if any, based on the rule-making record and the
23 full text of the rule.

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

27 (13) Upon determination that an emergency exists, the commission
28 may consider and adopt an emergency rule without prior notice,
29 opportunity for comment, or hearing; provided that the usual rule-
30 making procedures provided in the compact and in this section shall
31 be retroactively applied to the rule as soon as reasonably possible,
32 in no event later than ninety days after the effective date of the
33 rule. For the purposes of this provision, an emergency rule is one
34 that must be adopted immediately in order to:

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

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

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

39 (d) Protect public health and safety.

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

14 NEW SECTION. **Sec. 13.** OVERSIGHT, DISPUTE RESOLUTION, AND
15 ENFORCEMENT. (1) Oversight.

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

21 (b) All courts shall take judicial notice of the compact and the
22 rules in any judicial or administrative proceeding in a member state
23 pertaining to the subject matter of this compact which may affect the
24 powers, responsibilities, or actions of the commission.

25 (c) The commission shall be entitled to receive service of
26 process in any such proceeding, and shall have standing to intervene
27 in such a proceeding for all purposes. Failure to provide service of
28 process to the commission shall render a judgment or order void as to
29 the commission, this compact, or promulgated rules.

30 (2) Default, technical assistance, and termination.

31 (a) If the commission determines that a member state has
32 defaulted in the performance of its obligations or responsibilities
33 under this compact or the promulgated rules, the commission shall:

34 (i) Provide written notice to the defaulting state and other
35 member states of the nature of the default, the proposed means of
36 curing the default and/or any other action to be taken by the
37 commission; and

38 (ii) Provide remedial training and specific technical assistance
39 regarding the default.

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

8 (c) Termination of membership in the compact shall be imposed
9 only after all other means of securing compliance have been
10 exhausted. Notice of intent to suspend or terminate shall be given by
11 the commission to the governor, the majority and minority leaders of
12 the defaulting state's legislature, and each of the member states.

13 (d) A state that has been terminated is responsible for all
14 assessments, obligations, and liabilities incurred through the
15 effective date of termination, including obligations that extend
16 beyond the effective date of termination.

17 (e) The commission shall not bear any costs related to a state
18 that is found to be in default or that has been terminated from the
19 compact, unless agreed upon in writing between the commission and the
20 defaulting state.

21 (f) The defaulting state may appeal the action of the commission
22 by petitioning the United States district court for the District of
23 Columbia or the federal district where the commission has its
24 principal offices. The prevailing member shall be awarded all costs
25 of such litigation, including reasonable attorneys' fees.

26 (3) Dispute resolution.

27 (a) Upon request by a member state, the commission shall attempt
28 to resolve disputes related to the compact that arise among member
29 states and between member and nonmember states.

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

32 (4) Enforcement.

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

35 (b) By majority vote, the commission may initiate legal action in
36 the United States district court for the District of Columbia or the
37 federal district where the commission has its principal offices
38 against a member state in default to enforce compliance with the
39 provisions of the compact and its promulgated rules and bylaws. The
40 relief sought may include both injunctive relief and damages. In the

1 event judicial enforcement is necessary, the prevailing member shall
2 be awarded all costs of such litigation, including reasonable
3 attorneys' fees.

4 (c) The remedies herein shall not be the exclusive remedies of
5 the commission. The commission may pursue any other remedies
6 available under federal or state law.

7 NEW SECTION. **Sec. 14.** DATE OF IMPLEMENTATION OF THE INTERSTATE
8 COMMISSION FOR EMERGENCY MEDICAL SERVICES PERSONNEL PRACTICE AND
9 ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT. (1) The compact shall
10 come into effect on the date on which the compact statute is enacted
11 into law in the tenth member state. The provisions, which become
12 effective at that time, shall be limited to the powers granted to the
13 commission relating to assembly and the promulgation of rules.
14 Thereafter, the commission shall meet and exercise rule-making powers
15 necessary to the implementation and administration of the compact.

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

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

24 (a) A member state's withdrawal shall not take effect until six
25 months after enactment of the repealing statute.

26 (b) Withdrawal shall not affect the continuing requirement of the
27 withdrawing state's emergency medical services authority to comply
28 with the investigative and adverse action reporting requirements of
29 this act prior to the effective date of withdrawal.

30 (4) Nothing contained in this compact shall be construed to
31 invalidate or prevent any emergency medical services personnel
32 licensure agreement or other cooperative arrangement between a member
33 state and a nonmember state that does not conflict with the
34 provisions of this compact.

35 (5) This compact may be amended by the member states. No
36 amendment to this compact shall become effective and binding upon any
37 member state until it is enacted into the laws of all member states.

1 NEW SECTION. **Sec. 15.** CONSTRUCTION AND SEVERABILITY. This
2 compact shall be liberally construed so as to effectuate the purposes
3 thereof. If this compact shall be held contrary to the Constitution
4 of any state member thereto, the compact shall remain in full force
5 and effect as to the remaining member states. Nothing in this compact
6 supersedes state law or rules related to licensure of emergency
7 medical services agencies.

8 NEW SECTION. **Sec. 16.** Sections 1 through 15 of this act
9 constitute a new chapter in Title 18 RCW.

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