

1 ENGROSSED HOUSE  
2 BILL NO. 2422

By: Alonso-Sandoval, Pae, and  
Dollens of the House

3 and

4 Coleman of the Senate  
5  
6  
7

8 [ public health and safety - Recognition of EMS  
9 Personnel Licensure Interstate Compact - state  
10 participation in the Compact - requirements for  
11 licensee to participate in Compact - Interstate  
12 Commission for EMS Personnel Practice - effective  
13 date ]  
14  
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17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-2550 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21 Recognition of EMS Personnel Licensure Interstate Compact

22 ARTICLE I

23 Purpose  
24

1       A. To protect the public through verification of competency and  
2 ensure accountability for patient care-related activities all state-  
3 licensed emergency medical services (EMS) personnel, such as  
4 emergency medical technicians (EMTs), advanced EMTs, and paramedics.  
5 This Compact is intended to facilitate the day-to-day movement of  
6 EMS personnel across state boundaries in the performance of their  
7 EMS duties as assigned by an appropriate authority and authorize  
8 state EMS offices to afford immediate legal recognition to EMS  
9 personnel licensed in a member state. This Compact recognizes that  
10 states have a vested interest in protecting the public's health and  
11 safety through their licensing and regulation of EMS personnel and  
12 that such state regulation shared among the member states will best  
13 protect public health and safety. This Compact is designed to  
14 achieve the following purposes and objectives:

15       1. Increase public access to EMS personnel;

16       2. Enhance the states' ability to protect the public's health  
17 and safety, especially patient safety;

18       3. Encourage the cooperation of member states in the areas of  
19 EMS personnel licensure and regulation;

20       4. Support licensing of military members who are separating  
21 from an active duty tour and their spouses;

22       5. Facilitate the exchange of information between member states  
23 regarding EMS personnel licensure, adverse action, and significant  
24 investigatory information;

1       6. Promote compliance with the laws governing EMS personnel  
2 practice in each member state; and

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

6       SECTION 2.       NEW LAW       A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1-2551 of Title 63, unless there  
8 is created a duplication in numbering, reads as follows:

9                               ARTICLE II

10                              Definitions

11       As used in this Compact:

12       1. "Advanced emergency medical technician (AEMT)" means an  
13 individual licensed with cognitive knowledge and a scope of practice  
14 that corresponds to that level in the National EMS Education  
15 Standards and National EMS Scope of Practice Model;

16       2. "Adverse action" means any administrative, civil, equitable,  
17 or criminal action permitted by a state's laws which may be imposed  
18 against licensed EMS personnel by a state EMS authority or state  
19 court, including, but not limited to, actions against an  
20 individual's license such as revocation, suspension, probation,  
21 consent agreement, monitoring, or other limitation or encumbrance on  
22 the individual's practice, letters of reprimand or admonition,  
23 fines, criminal convictions, and state court judgments enforcing  
24 adverse actions by the state EMS authority;

- 1        3. "Alternative program" means a voluntary, nondisciplinary  
2 substance abuse recovery program approved by a state EMS authority;
- 3        4. "Certification" means the successful verification of entry-  
4 level cognitive and psychomotor competency using a reliable,  
5 validated, and legally defensible examination;
- 6        5. "Commission" means the national administrative body of which  
7 all states that have enacted the Compact are members;
- 8        6. "Emergency medical technician (EMT)" means an individual  
9 licensed with cognitive knowledge and a scope of practice that  
10 corresponds to that level in the National EMS Education Standards  
11 and National EMS Scope of Practice Model;
- 12       7. "Home state" means a member state where an individual is  
13 licensed to practice emergency medical services;
- 14       8. "License" means the authorization by a state for an  
15 individual to practice as an EMT, AEMT, paramedic, or a level in  
16 between EMT and paramedic;
- 17       9. "Medical director" means a physician licensed in a member  
18 state who is accountable for the care delivered by EMS personnel;
- 19       10. "Member state" means a state that has enacted this Compact;
- 20       11. "Privilege to practice" means an individual's authority to  
21 deliver emergency medical services in remote states as authorized  
22 under this Compact;
- 23       12. "Paramedic" means an individual licensed with cognitive  
24 knowledge and a scope of practice that corresponds to that level in

1 the National EMS Education Standards and National EMS Scope of  
2 Practice Model;

3 13. "Remote state" means a member state in which an individual  
4 is not licensed;

5 14. "Restricted" means the outcome of an adverse action that  
6 limits a license or the privilege to practice;

7 15. "Rule" means a written statement by the Interstate  
8 Commission promulgated pursuant to Section 12 of this Compact that  
9 is of general applicability; implements, interprets, or prescribes a  
10 policy or provision of the Compact; or is an organizational,  
11 procedural, or practice requirement of the Commission and has the  
12 force and effect of statutory law in a member state and includes the  
13 amendment, repeal, or suspension of an existing rule;

14 16. "Scope of practice" means defined parameters of various  
15 duties or services that may be provided by an individual with  
16 specific credentials. Whether regulated by rule, statute, or court  
17 decision, it tends to represent the limits of services an individual  
18 may perform;

19 17. "Significant investigatory information" means:

- 20 a. investigative information that a state EMS authority,  
21 after a preliminary inquiry that includes notification  
22 and an opportunity to respond if required by state  
23 law, has reason to believe, if proved true, would  
24

1 result in the imposition of an adverse action on a  
2 license or privilege to practice, or

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

7 18. "State" means any state, commonwealth, district, or  
8 territory of the United States; and

9 19. "State EMS authority" means the board, office, or other  
10 agency with the legislative mandate to license EMS personnel.

11 SECTION 3. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-2552 of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 ARTICLE III

15 Home State Licensure

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

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

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

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

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

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

9        4. No later than five (5) years after activation of the  
10 Compact, requires a criminal background check of all applicants for  
11 initial licensure, including the use of the results of fingerprint  
12 or other biometric data checks compliant with the requirements of  
13 the Federal Bureau of Investigation with the exception of federal  
14 employees who have suitability determination in accordance with CFR  
15 Section 731.202 and submit documentation of such as promulgated in  
16 the rules of the Commission; and

17        5. Complies with the rules of the Commission.

18        SECTION 4.        NEW LAW        A new section of law to be codified  
19 in the Oklahoma Statutes as Section 1-2553 of Title 63, unless there  
20 is created a duplication in numbering, reads as follows:

21                                ARTICLE IV

22                                Compact Privilege to Practice  
23  
24

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

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

6       1. Be at least eighteen (18) years of age;

7       2. Possess a current unrestricted license in a member state as  
8 an EMT, AEMT, paramedic, or state-recognized-and-licensed level with  
9 a scope of practice and authority between EMT and paramedic; and

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

11      C. An individual providing patient care in a remote state under  
12 the privilege to practice shall function within the scope of  
13 practice authorized by the home state unless and until modified by  
14 an appropriate authority in the remote state, as may be defined in  
15 the rules of the Commission.

16      D. Except as provided in subsection C of Section 4 of this  
17 Compact, an individual practicing in a remote state will be subject  
18 to the remote state's authority and laws. A remote state may, in  
19 accordance with due process and that state's laws, restrict,  
20 suspend, or revoke an individual's privilege to practice in the  
21 remote state and may take any other necessary actions to protect the  
22 health and safety of its citizens. If a remote state takes action,  
23 it shall promptly notify the home state and the Commission.



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

5 F. If an individual's privilege to practice in any remote state  
6 is restricted, suspended, or revoked, the individual shall not be  
7 eligible to practice in any remote state until the individual's  
8 privilege to practice is restored.

9 SECTION 5. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1-2554 of Title 63, unless there  
11 is created a duplication in numbering, reads as follows:

#### 12 ARTICLE V

##### 13 Conditions of Practice in a Remote State

14 An individual may practice in a remote state under a privilege  
15 to practice only in the performance of the individual's EMS duties  
16 as assigned by an appropriate authority, as defined in the rules of  
17 the Commission, and under the following circumstances:

18 1. The individual originates a patient transport in a home  
19 state and transports the patient to a remote state;

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

23 3. The individual enters a remote state to provide patient care  
24 and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2555 of Title 63, unless there is created a duplication in numbering, reads as follows:

## ARTICLE VI

## Relationship to Emergency Management Assistance Compact

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this Compact conflicts with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2556 of Title 63, unless there is created a duplication in numbering, reads as follows:

## ARTICLE VII

Veterans, Service Members Separating From Active Duty Military, and  
Their Spouses

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves

1 separating from an active duty tour, and a spouse thereof, who holds  
2 a current valid and unrestricted NREMT certification at or above the  
3 level of the state license being sought as satisfying the minimum  
4 training and examination requirements for such licensure.

5 B. Member states shall expedite the processing of licensure  
6 applications submitted by veterans, active military service members,  
7 and members of the National Guard and Reserves separating from an  
8 active duty tour, and their spouses.

9 C. All individuals functioning with a privilege to practice  
10 under this section remain subject to the adverse actions provisions  
11 of Article VIII of this Compact.

12 SECTION 8. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1-2557 of Title 63, unless there  
14 is created a duplication in numbering, reads as follows:

15 ARTICLE VIII

16 Adverse Actions

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

19 B. If an individual's license in any home state is restricted  
20 or suspended, the individual shall not be eligible to practice in a  
21 remote state under the privilege to practice until the individual's  
22 home state license is restored.

23 1. All home state adverse action orders shall include a  
24 statement that the individual's compact privileges are inactive.

1 The order may allow the individual to practice in remote states with  
2 prior written authorization from both the home state and remote  
3 state's EMS authority.

4 2. An individual currently subject to adverse action in the  
5 home state shall not practice in any remote state without prior  
6 written authorization from both the home state and remote state's  
7 EMS authority.

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

12 D. A remote state may take adverse action on an individual's  
13 privilege to practice within that state.

14 E. Any member state may take adverse action against an  
15 individual's privilege to practice in that state based on the  
16 factual findings of another member state, so long as each state  
17 follows its own procedures for imposing such adverse action.

18 F. A home state's EMS authority shall investigate and take  
19 appropriate action with respect to reported conduct in a remote  
20 state as it would if such conduct had occurred within the home  
21 state. In such cases, the home state's law shall control in  
22 determining the appropriate adverse action.

23 G. Nothing in this Compact shall override a member state's  
24 decision that participation in an alternative program may be used in

1 lieu of adverse action and that such participation shall remain  
2 nonpublic if required by the member state's laws. Member states  
3 must require individuals who enter any alternative programs to agree  
4 not to practice in any other member state during the term of the  
5 alternative program without prior authorization from such other  
6 member state.

7 SECTION 9. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1-2558 of Title 63, unless there  
9 is created a duplication in numbering, reads as follows:

10 ARTICLE IX

11 Additional Powers Invested in a Member State's EMS Authority

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

14 1. Issue subpoenas for both hearings and investigations that  
15 require the attendance and testimony of witnesses and the production  
16 of evidence. Subpoenas issued by a member state's EMS authority for  
17 the attendance and testimony of witnesses, and/or the production of  
18 evidence from another member state, shall be enforced in the remote  
19 state by any court of competent jurisdiction, according to that  
20 court's practice and procedure in considering subpoenas issued in  
21 its own proceedings. The issuing state EMS authority shall pay any  
22 witness fees, travel expenses, mileage, and other fees required by  
23 the service statutes of the state where the witnesses and/or  
24 evidence are located; and



1 his or her designee shall be the delegate to this Compact for each  
2 member state. Any delegate may be removed or suspended from office  
3 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 EMS personnel at and  
8 above the level of EMT exists, the governor of the state will  
9 determine which entity will be responsible for assigning the  
10 delegate.

11 2. 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  
14 the Commission. A delegate shall vote in person or by such other  
15 means as provided in the bylaws. The bylaws may provide for  
16 delegates' participation in meetings by telephone or other means of  
17 communication.

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

20 4. 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 rulemaking provisions in Article XII of this Compact.

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

- a. noncompliance of a member state with its obligations under the Compact,
- b. the employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures,
- c. current, threatened, or reasonably anticipated litigation,
- d. negotiation of contracts for the purchase or sale of goods, services, or real estate,
- e. accusing any person of a crime or formally censuring any person,
- f. disclosure of trade secrets or commercial or financial information that is privileged or confidential,
- g. disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy,
- h. disclosure of investigatory records compiled for law enforcement purposes,
- i. disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with



responsibility of investigation or determination of compliance issues pursuant to the Compact, or  
j. matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to subsection 5 of Article X of this Compact, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision in subsection 5. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

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

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
  - a. for the establishment and meetings of other committees, and

1           b. governing any general or specific delegation of any  
2           authority or function of the Commission;

3       3. Providing reasonable procedures for calling and conducting  
4 meetings of the Commission, ensuring reasonable advance notice of  
5 all meetings, and providing an opportunity for attendance of such  
6 meetings by interested parties, with enumerated exceptions designed  
7 to protect the public's interest, the privacy of individuals, and  
8 proprietary information, including trade secrets. The Commission  
9 may meet in closed session only after a majority of the membership  
10 votes to close a meeting in whole or in part. As soon as  
11 practicable, the Commission must make public a copy of the vote to  
12 close the meeting revealing the vote of each member with no proxy  
13 votes allowed;

14       4. Establishing the titles, duties, and authority and  
15 reasonable procedures for the election of the officers of the  
16 Commission;

17       5. Providing reasonable standards and procedures for the  
18 establishment of the personnel policies and programs of the  
19 Commission. Notwithstanding any civil service or other similar laws  
20 of any member state, the bylaws shall exclusively govern the  
21 personnel policies and programs of the Commission;

22       6. Promulgating a code of ethics to address permissible and  
23 prohibited activities of Commission members and employees;  
24

1       7. Providing a mechanism for winding up the operations of the  
2 Commission and the equitable disposition of any surplus funds that  
3 may exist after the termination of the Compact after the payment  
4 and/or reserving of all of its debts and obligations;

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

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

10      10. The Commission shall meet and take such actions as are  
11 consistent with the provisions of this Compact and the bylaws.

12      D. The Commission shall have the following powers:

13      1. The authority to promulgate uniform rules to facilitate and  
14 coordinate implementation and administration of this Compact. The  
15 rules shall have the force and effect of law and shall be binding in  
16 all member states;

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

22      3. To purchase and maintain insurance and bonds;

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

1        5. To hire employees, elect or appoint officers, fix  
2 compensation, define duties, grant such individuals appropriate  
3 authority to carry out the purposes of the Compact, and to establish  
4 the Commission's personnel policies and programs relating to  
5 conflicts of interest, qualifications of personnel, and other  
6 related personnel matters;

7        6. To accept any and all appropriate donations and grants of  
8 money, equipment, supplies, materials, and services, and to receive,  
9 utilize, and dispose of the same; provided that at all times the  
10 Commission shall strive to avoid any appearance of impropriety  
11 and/or conflict of interest;

12        7. To lease, purchase, accept appropriate gifts or donations  
13 of, or otherwise to own, hold, improve, or use, any property, real,  
14 personal, or mixed; provided that at all times the Commission shall  
15 strive to avoid any appearance of impropriety;

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

18        9. To establish a budget and make expenditures;

19        10. To borrow money;

20        11. To appoint committees, including advisory committees,  
21 comprised of members, state regulators, state legislators or their  
22 representatives, and consumer representatives, and such other  
23 interested persons as may be designated in this Compact and the  
24 bylaws;

1       12. To provide and receive information from, and to cooperate  
2 with, law enforcement agencies;

3       13. To adopt and use an official seal; and

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

7       E. Financing of the Commission

8       1. The Commission shall pay, or provide for the payment of, the  
9 reasonable expenses of its establishment, organization, and ongoing  
10 activities.

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

14       3. The Commission may levy on and collect an annual assessment  
15 from each member state or impose fees on other parties to cover the  
16 cost of the operations and activities of the Commission and its  
17 staff, which must be in a total amount sufficient to cover its  
18 annual budget as approved each year for which revenue is not  
19 provided by other sources. The aggregate annual assessment amount  
20 shall be allocated based upon a formula to be determined by the  
21 Commission, which shall promulgate a rule binding upon all member  
22 states.

23       4. The Commission shall not incur obligations of any kind prior  
24 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 5. 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 F. Qualified Immunity, Defense, and Indemnification

11 1. 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 paragraph shall be  
20 construed to protect any such person from suit and/or liability for  
21 any damage, loss, injury, or liability caused by the intentional or  
22 willful or wanton misconduct of that person.

23 2. The Commission shall defend any member, officer, executive  
24 director, employee, or representative of the Commission in any civil

1 action seeking to impose liability arising out of any actual or  
2 alleged act, error, or omission that occurred within the scope of  
3 Commission employment, duties, or responsibilities, or that the  
4 person against whom the claim is made had a reasonable basis for  
5 believing occurred within the scope of Commission employment,  
6 duties, or responsibilities; provided that nothing in this paragraph  
7 shall be construed to prohibit that person from retaining his or her  
8 own counsel; and provided further, that the actual or alleged act,  
9 error, or omission did not result from that person's intentional or  
10 willful or wanton misconduct.

11 3. The Commission shall indemnify and hold harmless any member,  
12 officer, executive director, employee, or representative of the  
13 Commission for the amount of any settlement or judgment obtained  
14 against that person arising out of any actual or alleged act, error,  
15 or omission that occurred within the scope of Commission employment,  
16 duties, or responsibilities, or that such person had a reasonable  
17 basis for believing occurred within the scope of Commission  
18 employment, duties, or responsibilities, provided that the actual or  
19 alleged act, error, or omission did not result from the intentional  
20 or willful or wanton misconduct of that person.

21 SECTION 11. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-2560 of Title 63, unless there  
23 is created a duplication in numbering, reads as follows:

24 ARTICLE XI

Coordinated Database

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

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

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended, or revoked;
6. Nonconfidential information related to alternative program participation;
7. Any denial of application for licensure, and the reason(s) for such denial; and
8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or



1 significant investigative information on, any individual in a member  
2 state.

3 D. Member states contributing information to the coordinated  
4 database may designate information that may not be shared with the  
5 public without the express permission of the contributing state.

6 E. Any information submitted to the coordinated database that  
7 is subsequently required to be expunged by the laws of the member  
8 state contributing the information shall be removed from the  
9 coordinated database.

10 SECTION 12. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 1-2561 of Title 63, unless there  
12 is created a duplication in numbering, reads as follows:

13 ARTICLE XII

14 Rulemaking

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

19 B. If a majority of the legislatures of the member states  
20 reject a rule, by enactment of a statute or resolution in the same  
21 manner used to adopt the Compact, then such rule shall have no  
22 further force and effect in any member state.

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

1 D. Prior to promulgation and adoption of a final rule or rules  
2 by the Commission, and at least sixty (60) days in advance of the  
3 meeting at which the rule will be considered and voted upon, the  
4 Commission shall file a Notice of Proposed Rulemaking:

5 1. On the website of the Commission; and

6 2. On the website of each member state's EMS authority or the  
7 publication in which each state would otherwise publish proposed  
8 rules.

9 E. The Notice of Proposed Rulemaking shall include:

10 1. The proposed time, date, and location of the meeting in  
11 which the rule or amendment will be considered and voted upon;

12 2. The text of the proposed rule or amendment and the reason  
13 for the proposed rule or amendment;

14 3. A request for comments on the proposed rule or amendment  
15 from any interested person; and

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

19 F. Prior to adoption of a proposed rule or amendment, the  
20 Commission shall allow persons to submit written data, facts,  
21 opinions, and arguments, which shall be made available to the  
22 public.

1       G. The Commission shall grant an opportunity for a public  
2 hearing before it adopts a rule or amendment if a hearing is  
3 requested by:

- 4       1. At least twenty-five persons;
- 5       2. A governmental subdivision or agency; or
- 6       3. An association having at least twenty-five members.

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

10      1. All persons wishing to be heard at the hearing shall notify  
11 the executive director of the Commission or other designated member  
12 in writing of their desire to appear and testify at the hearing not  
13 less than five (5) business days before the scheduled date of the  
14 hearing.

15      2. Hearings shall be conducted in a manner providing each  
16 person who wishes to comment a fair and reasonable opportunity to  
17 comment orally or in writing.

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

1       4. Nothing in this section shall be construed as requiring a  
2 separate hearing on each rule or amendment. Rules or amendments may  
3 be grouped for the convenience of the Commission at hearings  
4 required by this section.

5       I. Following the scheduled hearing date, or by the close of  
6 business on the scheduled hearing date if the hearing was not held,  
7 the Commission shall consider all written and oral comments  
8 received.

9       J. The Commission shall, by majority vote of all members, take  
10 final action on the proposed rule or amendment and shall determine  
11 the effective date of the rule, if any, based on the rulemaking  
12 record and the full text of the rule.

13       K. If no written notice of intent to attend the public hearing  
14 by interested parties is received, the Commission may proceed with  
15 promulgation of the proposed rule or amendment without a public  
16 hearing.

17       L. Upon determination that an emergency exists, the Commission  
18 may consider and adopt an emergency rule without prior notice,  
19 opportunity for comment, or hearing, provided that the usual  
20 rulemaking procedures provided in the Compact and in this section  
21 shall be retroactively applied to the rule as soon as reasonably  
22 possible, in no event later than ninety (90) days after the  
23 effective date of the rule. For the purposes of this subsection, an  
24 emergency rule is one that must be adopted immediately in order to:



1       A. Oversight

2       1. The executive, legislative, and judicial branches of state  
3 government in each member state shall enforce this Compact and take  
4 all necessary and appropriate actions to effectuate the Compact's  
5 purposes and intent. The provisions of this Compact and the rules  
6 promulgated hereunder shall have standing as statutory law.

7       2. All courts shall take judicial notice of the compact and the  
8 rules in any judicial or administrative proceeding in a member state  
9 pertaining to the subject matter of this compact which may affect  
10 the powers, responsibilities, or actions of the Commission.

11       3. The Commission shall be entitled to receive service of  
12 process in any such proceeding, and shall have standing to intervene  
13 in such a proceeding for all purposes. Failure to provide service  
14 of process to the Commission shall render a judgment or order void  
15 as to the Commission, this Compact, or promulgated rules.

16       B. Default, Technical Assistance, and Termination

17       1. If the Commission determines that a member state has  
18 defaulted in the performance of its obligations or responsibilities  
19 under this Compact or the promulgated rules, the Commission shall:

- 20           a. provide written notice to the defaulting state and  
21               other member states of the nature of the default, the  
22               proposed means of curing the default, and/or any other  
23               action to be taken by the Commission, and  
24

1           b.    provide remedial training and specific technical  
2                assistance regarding the default.

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

10          3.   Termination of membership in the Compact shall be imposed  
11 only after all other means of securing compliance have been  
12 exhausted. Notice of intent to suspend or terminate shall be given  
13 by the Commission to the governor, the majority and minority leaders  
14 of the defaulting state's legislature, and each of the member  
15 states.

16          4.   A state that has been terminated is responsible for all  
17 assessments, obligations, and liabilities incurred through the  
18 effective date of termination, including obligations that extend  
19 beyond the effective date of termination.

20          5.   The Commission shall not bear any costs related to a state  
21 that is found to be in default or that has been terminated from the  
22 Compact, unless agreed upon in writing between the Commission and  
23 the defaulting state.

1       6. The defaulting state may appeal the action of the Commission  
2 by petitioning the U.S. District Court for the District of Columbia  
3 or the federal district where the Commission has its principal  
4 offices. The prevailing member shall be awarded all costs of such  
5 litigation, including reasonable attorney fees.

6       C. Dispute Resolution

7       1. Upon request by a member state, the Commission shall attempt  
8 to resolve disputes related to the Compact that arise among member  
9 states and between member and nonmember states.

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

13      D. Enforcement

14      1. The Commission, in the reasonable exercise of its  
15 discretion, shall enforce the provisions and rules of this Compact.

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



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

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2563 of Title 63, unless there is created a duplication in numbering, reads as follows:

## ARTICLE XIV

Date of Implementation of the Interstate Commission for EMS  
Personnel Practice and Associated Rules, Withdrawal, and Amendment

A. The Compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

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

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

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

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

D. Nothing contained in this Compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

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

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2564 of Title 63, unless there is created a duplication in numbering, reads as follows:

## ARTICLE XV

## Construction and Severability

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining member states. Nothing

1 in this Compact supersedes state law or rules related to licensure  
2 of EMS agencies.

3 SECTION 16. This act shall become effective November 1, 2023.

4 Passed the House of Representatives the 21st day of March, 2023.

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\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Presiding Officer of the Senate

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