

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 2422

By: Alonso-Sandoval and **Pae**

7 AS INTRODUCED

8 An Act relating to public health and safety; creating
9 the Recognition of EMS Personnel Licensure Interstate
10 Compact; stating purpose; providing definitions;
11 providing requirements for state participation in the
12 Compact; providing requirements for licensee to
13 participate in Compact; establishing Interstate
14 Commission for EMS Personnel Practice; providing
15 requirements for Commission; providing for
16 codification; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

19 Recognition of EMS Personnel Licensure Interstate Compact

20 ARTICLE I

21 Purpose

22 A. To protect the public through verification of competency and
23 ensure accountability for patient care-related activities all state-
24 licensed emergency medical services (EMS) personnel, such as

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

- 12 1. Increase public access to EMS personnel;
- 13 2. Enhance the states' ability to protect the public's health
14 and safety, especially patient safety;
- 15 3. Encourage the cooperation of member states in the areas of
16 EMS personnel licensure and regulation;
- 17 4. Support licensing of military members who are separating
18 from an active duty tour and their spouses;
- 19 5. Facilitate the exchange of information between member states
20 regarding EMS personnel licensure, adverse action, and significant
21 investigatory information;
- 22 6. Promote compliance with the laws governing EMS personnel
23 practice in each member state; and

24

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

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

ARTICLE II

Definitions

As used in this Compact:

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

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

3. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery program approved by a state EMS authority;

1 4. "Certification" means the successful verification of entry-
2 level cognitive and psychomotor competency using a reliable,
3 validated, and legally defensible examination;

4 5. "Commission" means the national administrative body of which
5 all states that have enacted the Compact are members;

6 6. "Emergency medical technician (EMT)" means an individual
7 licensed with cognitive knowledge and a scope of practice that
8 corresponds to that level in the National EMS Education Standards
9 and National EMS Scope of Practice Model;

10 7. "Home state" means a member state where an individual is
11 licensed to practice emergency medical services;

12 8. "License" means the authorization by a state for an
13 individual to practice as an EMT, AEMT, paramedic, or a level in
14 between EMT and paramedic;

15 9. "Medical director" means a physician licensed in a member
16 state who is accountable for the care delivered by EMS personnel;

17 10. "Member state" means a state that has enacted this Compact;

18 11. "Privilege to practice" means an individual's authority to
19 deliver emergency medical services in remote states as authorized
20 under this Compact;

21 12. "Paramedic" means an individual licensed with cognitive
22 knowledge and a scope of practice that corresponds to that level in
23 the National EMS Education Standards and National EMS Scope of
24 Practice Model;

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

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

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

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

17 17. "Significant investigatory information" means:

- 18 a. investigative information that a state EMS authority,
19 after a preliminary inquiry that includes notification
20 and an opportunity to respond if required by state
21 law, has reason to believe, if proved true, would
22 result in the imposition of an adverse action on a
23 license or privilege to practice, or
24

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

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

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

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

12 ARTICLE III

13 Home State Licensure

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

16 B. 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
19 under the terms of this Compact.

20 C. 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:

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

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

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

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

5. Complies with the rules of the Commission.

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

ARTICLE IV

Compact Privilege to Practice

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;

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

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

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-2559 of Title 63, unless there is created a duplication in numbering, reads as follows:

ARTICLE X

Establishment of the Interstate Commission for EMS Personnel Practice

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

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

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

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

B. Membership, Voting, and Meetings

1. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or

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

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

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

6 4. Protect public health and safety.

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

20 SECTION 13. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-2562 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 ARTICLE XIII

24 Oversight, Dispute Resolutions, and Enforcement

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
5 COMMITTEE REPORT BY: COMMITTEE ON RURAL DEVELOPMENT, dated
6 02/20/2023 - DO PASS, As Coauthored.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25