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SENATE BILL 315

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Sander Rue

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; ENACTING THE EMERGENCY  
MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT;  
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1. [NEW MATERIAL] ENACTMENT OF COMPACT--TEXT.--**

The "Emergency Medical Services Personnel Licensure Interstate  
Compact" is enacted into law and entered into with all other  
jurisdictions legally joining therein in the form substantially  
as follows:

"EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE  
COMPACT

ARTICLE 1

Purpose

The "Emergency Medical Services Personnel Licensure

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1 Interstate Compact" is enacted into law and entered into with  
2 all other jurisdictions legally joining therein in the form  
3 substantially as follows:

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

- 21 A. increase public access to emergency medical  
22 services duties personnel;
- 23 B. enhance the states' ability to protect the  
24 public's health and safety, especially patient safety;
- 25 C. encourage the cooperation of member states in

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1 the areas of emergency medical services duties personnel  
2 licensure and regulation;

3 D. support licensing of military members who are  
4 separating from an active duty tour and their spouses;

5 E. facilitate the exchange of information between  
6 member states regarding emergency medical services personnel  
7 licensure, adverse action and significant investigatory  
8 information;

9 F. promote compliance with the laws governing  
10 emergency medical services personnel practice in each member  
11 state; and

12 G. invest all member states with the authority to  
13 hold emergency medical services personnel accountable through  
14 the mutual recognition of member state licenses.

15 ARTICLE 2

16 Definitions

17 As used in this compact:

18 A. "advanced emergency medical technician" means an  
19 individual licensed with cognitive knowledge and a scope of  
20 practice that corresponds to that level in the national  
21 emergency medical services education standards and national  
22 emergency medical services scope of practice model;

23 B. "adverse action" means any administrative,  
24 civil, equitable or criminal action permitted by a state's laws  
25 that may be imposed against licensed emergency medical services

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1 personnel by a state emergency medical services authority or  
2 state court, including actions against an individual's license,  
3 such as revocation, suspension, probation, consent agreement,  
4 monitoring or other limitation or encumbrance on the  
5 individual's practice, letters of reprimand or admonition,  
6 fines, criminal convictions and state court judgments enforcing  
7 adverse actions by the state emergency medical services  
8 authority;

9 C. "alternative program" means a voluntary,  
10 nondisciplinary substance abuse recovery program approved by a  
11 state emergency medical services authority;

12 D. "certification" means the successful  
13 verification of entry-level cognitive and psychomotor  
14 competency using a reliable, validated and legally defensible  
15 examination;

16 E. "commission" means the national administrative  
17 body of which all states that have enacted the compact are  
18 members;

19 F. "emergency medical technician" means an  
20 individual licensed with cognitive knowledge and a scope of  
21 practice that corresponds to that level in the national  
22 emergency medical services education standards and national  
23 emergency medical services scope of practice model;

24 G. "home state" means a member state where an  
25 individual is licensed to practice emergency medical services;

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1           H. "license" means the authorization by a state for  
2 an individual to practice as an emergency medical technician,  
3 advanced emergency medical technician or paramedic or at a  
4 level in between emergency medical technician and paramedic,  
5 such as the emergency medical technician basic and emergency  
6 medical technician intermediate in New Mexico;

7           I. "medical director" means a physician licensed in  
8 a member state who is accountable for the care delivered by  
9 emergency medical services personnel;

10          J. "member state" means a state that has enacted  
11 this compact;

12          K. "paramedic" means an individual licensed with  
13 cognitive knowledge and a scope of practice that corresponds to  
14 that level in the national emergency medical services education  
15 standards and national emergency medical services scope of  
16 practice model;

17          L. "privilege to practice" means an individual's  
18 authority to deliver emergency medical services in remote  
19 states as authorized under this compact;

20          M. "remote state" means a member state in which an  
21 individual is not licensed;

22          N. "restricted" means the outcome of an adverse  
23 action that limits a license or the privilege to practice;

24          O. "rule" means a written statement by the  
25 interstate commission promulgated pursuant to Article 12 of

1 this compact that is of general applicability; implements,  
2 interprets or prescribes a policy or provision of the compact;  
3 or is an organizational, procedural or practice requirement of  
4 the commission and has the force and effect of statutory law in  
5 a member state and includes the amendment, repeal or suspension  
6 of an existing rule;

7 P. "scope of practice" means defined parameters of  
8 various duties or services that may be provided by an  
9 individual with specific credentials. Whether regulated by  
10 rule, statute or court decision, it tends to represent the  
11 limits of services an individual may perform;

12 Q. "significant investigatory information" means:

13 (1) investigative information that a state  
14 emergency medical services authority, after a preliminary  
15 inquiry that includes notification and an opportunity to  
16 respond if required by state law, has reason to believe, if  
17 proved true, would result in the imposition of an adverse  
18 action on a license or privilege to practice; or

19 (2) investigative information that indicates  
20 that the individual represents an immediate threat to public  
21 health and safety regardless of whether the individual has been  
22 notified and has had an opportunity to respond;

23 R. "state" means any state, commonwealth, district  
24 or territory of the United States; and

25 S. "state emergency medical services authority"

1 means the board, office or other agency with the legislative  
2 mandate to license emergency medical services personnel.

3 ARTICLE 3

4 Home State Licensure

5 A. Any member state in which an individual holds a  
6 current license shall be deemed a home state for purposes of  
7 this compact.

8 B. Any member state may require an individual to  
9 obtain and retain a license to be authorized to practice in the  
10 member state under circumstances not authorized by the  
11 privilege to practice under the terms of this compact.

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

15 (1) currently requires the use of the national  
16 registry of emergency medical technicians examination as a  
17 condition of issuing initial licenses at the national registry  
18 of emergency medical technician and paramedic levels;

19 (2) has a mechanism in place for receiving and  
20 investigating complaints about individuals;

21 (3) notifies the commission, in compliance  
22 with the terms herein, of any adverse action or significant  
23 investigatory information regarding an individual;

24 (4) no later than five years after activation  
25 of the compact, requires a criminal background check of all

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1 applicants for initial licensure, including the use of the  
2 results of fingerprint or other biometric data checks compliant  
3 with the requirements of the federal bureau of investigation,  
4 with the exception of federal employees who have suitability  
5 determination in accordance with 5 CFR §731.202 and submit  
6 documentation of such as promulgated in the rules of the  
7 commission; and

8 (5) complies with the rules of the commission.

9 ARTICLE 4

10 Compact Privilege to Practice

11 A. Member states shall recognize the privilege to  
12 practice of an individual licensed in another member state that  
13 is in conformance with Article 3 of this compact.

14 B. To exercise the privilege to practice under the  
15 terms and provisions of this compact, an individual shall:

16 (1) be at least eighteen years of age;

17 (2) possess a current unrestricted license in  
18 a member state as an emergency medical technician, advanced  
19 emergency medical technician or paramedic or at a state-  
20 recognized and -licensed level with a scope of practice and  
21 authority between emergency medical technician and paramedic,  
22 such as the emergency medical technician basic and emergency  
23 medical technician intermediate in New Mexico; and

24 (3) practice under the supervision of a  
25 medical director.



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1 privilege to practice only in the performance of the  
2 individual's emergency medical services duties as assigned by  
3 an appropriate authority, as defined in the rules of the  
4 commission, and:

5 A. the individual originates a patient transport in  
6 a home state and transports the patient to a remote state;

7 B. the individual originates in the home state and  
8 enters a remote state to pick up a patient and provide care and  
9 transport of the patient to the home state;

10 C. the individual enters a remote state to provide  
11 patient care and/or transport within that remote state;

12 D. the individual enters a remote state to pick up  
13 a patient and provide care and transport to a third member  
14 state; and

15 E. other conditions as determined by rules  
16 promulgated by the commission.

#### 17 ARTICLE 6

#### 18 Relationship to Emergency Management Assistance Compact

19 Upon a member state's governor's declaration of a state of  
20 emergency or disaster that activates the Emergency Management  
21 Assistance Compact, all relevant terms and provisions of the  
22 Emergency Management Assistance Compact shall apply, and to the  
23 extent any terms or provisions of this compact conflicts with  
24 the Emergency Management Assistance Compact, the terms of the  
25 Emergency Management Assistance Compact shall prevail with

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1 respect to any individual practicing in the remote state in  
2 response to such declaration.

3 ARTICLE 7

4 Veterans, Service Members Separating from Active Duty Military  
5 and Their Spouses

6 A. Member states shall consider a veteran, active  
7 military service member and member of the national guard and  
8 reserves separating from an active duty tour, and a spouse  
9 thereof, who holds a current valid and unrestricted national  
10 registry of emergency medical technicians certification at or  
11 above the level of the state license being sought as satisfying  
12 the minimum training and examination requirements for such  
13 licensure. Due to differences in scope of practice, New Mexico  
14 may require additional education and examination above the  
15 minimum training and examination requirements for the national  
16 registry of emergency medical technicians.

17 B. Member states shall expedite the processing of  
18 licensure applications submitted by veterans, active military  
19 service members and members of the national guard and reserves  
20 separating from an active duty tour and their spouses.

21 C. All individuals functioning with a privilege to  
22 practice under this article remain subject to the adverse  
23 actions provisions of Article 8 of this compact.

24 ARTICLE 8

25 Adverse Actions

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

4           B. If an individual's license in any home state is  
5 restricted or suspended, the individual shall not be eligible  
6 to practice in a remote state under the privilege to practice  
7 until the individual's home state license is restored.

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

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

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

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

24           G. Any member state may take adverse action against  
25 an individual's privilege to practice in that state based on

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1 the factual findings of another member state, so long as each  
2 state follows its own procedures for imposing such adverse  
3 action.

4 H. A home state's state emergency medical services  
5 authority shall investigate and take appropriate action with  
6 respect to reported conduct in a remote state as it would if  
7 such conduct had occurred within the home state. In such  
8 cases, the home state's law shall control in determining the  
9 appropriate adverse action.

10 I. Nothing in this compact shall override a member  
11 state's decision that participation in an alternative program  
12 may be used in lieu of adverse action and that such  
13 participation shall remain nonpublic if required by the member  
14 state's laws. Member states shall require individuals who  
15 enter any alternative programs to agree not to practice in any  
16 other member state during the term of the alternative program  
17 without prior authorization from such other member state.

18 ARTICLE 9

19 Additional Powers Invested in a Member State's State Emergency  
20 Medical Services Authority

21 A member state's state emergency medical services  
22 authority, in addition to any other powers granted under state  
23 law, is authorized under this compact to:

24 A. issue subpoenas for both hearings and  
25 investigations that require the attendance and testimony of

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1 witnesses and the production of evidence. Subpoenas issued by  
2 a member state's state emergency medical services authority for  
3 the attendance and testimony of witnesses, or the production of  
4 evidence from another member state, shall be enforced in the  
5 remote state by any court of competent jurisdiction, according  
6 to that court's practice and procedure in considering subpoenas  
7 issued in its own proceedings. The issuing state's state  
8 emergency medical services authority shall pay any witness  
9 fees, travel expenses, mileage and other fees required by the  
10 service statutes of the state where the witnesses or evidence  
11 are located; and

12 B. issue cease and desist orders to restrict,  
13 suspend or revoke an individual's privilege to practice in the  
14 state.

15 ARTICLE 10

16 A. Establishment of the Interstate Commission for Emergency  
17 Medical Services Personnel Practice

18 The member states hereby create and establish a joint  
19 public agency known as the interstate commission for emergency  
20 medical services personnel practice. The commission is a body  
21 politic and an instrumentality of the member states. Venue is  
22 proper, and judicial proceedings by or against the commission  
23 shall be brought solely and exclusively in a court of competent  
24 jurisdiction where the principal office of the commission is  
25 located. The commission may waive venue and jurisdictional

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1 defenses to the extent it adopts or consents to participate in  
2 alternative dispute resolution proceedings. Nothing in this  
3 compact shall be construed to be a waiver of sovereign  
4 immunity.

5 B. Membership, Voting and Meetings

6 (1) Each compact state shall have and be limited to  
7 one delegate. The responsible official of the state emergency  
8 medical services authority or the official's designee shall be  
9 the delegate to this compact for each member state. Any  
10 delegate may be removed or suspended from office as provided by  
11 the law of the state from which the delegate is appointed. Any  
12 vacancy occurring in the commission shall be filled in  
13 accordance with the laws of the member state in which the  
14 vacancy exists. In the event that more than one board, office  
15 or other agency with the legislative mandate to license  
16 emergency medical services personnel at and above the level of  
17 emergency medical technician exists, the governor of the state  
18 will determine which entity will be responsible for assigning  
19 the delegate.

20 (2) Each delegate shall be entitled to one vote  
21 with regard to the promulgation of rules and creation of bylaws  
22 and shall otherwise have an opportunity to participate in the  
23 business and affairs of the commission. A delegate shall vote  
24 in person or by such other means as provided in the bylaws.  
25 The bylaws may provide for delegates' participation in meetings

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1 by telephone or other means of communication.

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

5 (4) All meetings shall be open to the public, and  
6 public notice of meetings shall be given in the same manner as  
7 required under the rulemaking provisions in Article 12 of this  
8 compact.

9 (5) The commission may convene in a closed,  
10 nonpublic meeting to discuss:

11 a) noncompliance of a member state with its  
12 obligations under the compact;

13 b) the employment, compensation, discipline or  
14 other personnel matters, practices or procedures related to  
15 specific employees or other matters related to the commission's  
16 internal personnel practices and procedures;

17 c) current, threatened or reasonably  
18 anticipated litigation;

19 d) negotiation of contracts for the purchase  
20 or sale of goods, services or real estate;

21 e) accusing any person of a crime or formally  
22 censuring any person;

23 f) disclosure of trade secrets or commercial  
24 or financial information that is privileged or confidential;

25 g) disclosure of information of a personal

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1 nature where disclosure would constitute a clearly unwarranted  
2 invasion of personal privacy;

3 h) disclosure of investigatory records  
4 compiled for law enforcement purposes;

5 i) disclosure of information related to any  
6 investigatory reports prepared by or on behalf of or for use of  
7 the commission or other committee charged with responsibility  
8 of investigation or determination of compliance issues pursuant  
9 to the compact; or

10 j) matters specifically exempted from  
11 disclosure by federal or member state statute.

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

25 (7) The commission shall, by a majority vote of the

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1 delegates, prescribe bylaws or rules to govern its conduct as  
2 may be necessary or appropriate to carry out the purposes and  
3 exercise the powers of the compact, including:

4 a) establishing the fiscal year of the  
5 commission;

6 b) providing reasonable standards and  
7 procedures;

8 c) establishing meetings of other committees;

9 d) governing any general or specific  
10 delegation of any authority or function of the commission;

11 e) providing reasonable procedures for calling  
12 and conducting meetings of the commission, ensuring reasonable  
13 advance notice of all meetings and providing an opportunity for  
14 attendance of such meetings by interested parties, with  
15 enumerated exceptions designed to protect the public's  
16 interest, the privacy of individuals and proprietary  
17 information, including trade secrets. The commission may meet  
18 in closed session only after a majority of the membership votes  
19 to close a meeting in whole or in part. As soon as  
20 practicable, the commission shall make public a copy of the  
21 vote to close the meeting, revealing the vote of each member  
22 with no proxy votes allowed;

23 f) establishing the titles, duties and  
24 authority and reasonable procedures for the election of the  
25 officers of the commission;

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

7 h) promulgating a code of ethics to address  
8 permissible and prohibited activities of commission members and  
9 employees; and

10 i) providing a mechanism for winding up the  
11 operations of the commission and the equitable disposition of  
12 any surplus funds that may exist after the termination of the  
13 compact after the payment or reserving of all of its debts and  
14 obligations.

15 (8) The commission shall publish its bylaws and  
16 file a copy thereof, and a copy of any amendment thereto, with  
17 the appropriate agency or officer in each of the member states,  
18 if any.

19 (9) The commission shall maintain its financial  
20 records in accordance with the bylaws.

21 (10) The commission shall meet and take such  
22 actions as are consistent with the provisions of this compact  
23 and the bylaws.

24 (11) The commission may:

25 a) promulgate uniform rules to facilitate and

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1 coordinate implementation and administration of this compact.  
2 The rules shall have the force and effect of law and shall be  
3 binding in all member states;

4 b) bring and prosecute legal proceedings or  
5 actions in the name of the commission; provided that the  
6 standing of any state emergency medical services authority or  
7 other regulatory body responsible for emergency medical  
8 services personnel licensure to sue or be sued under applicable  
9 law shall not be affected;

10 c) purchase and maintain insurance and bonds;

11 d) borrow, accept or contract for services of  
12 personnel, including employees of a member state;

13 e) hire employees, elect or appoint officers,  
14 fix compensation, define duties, grant such individuals  
15 appropriate authority to carry out the purposes of the compact  
16 and establish the commission's personnel policies and programs  
17 relating to conflicts of interest, qualifications of personnel  
18 and other related personnel matters;

19 f) accept any and all appropriate donations  
20 and grants of money, equipment, supplies, materials and  
21 services and receive, utilize and dispose of the same; provided  
22 that at all times, the commission shall strive to avoid any  
23 appearance of impropriety and/or conflict of interest;

24 g) lease, purchase, accept appropriate gifts  
25 or donations of, or otherwise own, hold, improve or use, any

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1 property; provided that at all times, the commission shall  
2 strive to avoid any appearance of impropriety;

3 h) sell, convey, mortgage, pledge, lease,  
4 exchange, abandon or otherwise dispose of any property;

5 i) establish a budget and make expenditures;

6 j) borrow money;

7 k) appoint committees, including advisory  
8 committees composed of members, state regulators, state  
9 legislators or their representatives, consumer representatives  
10 and other interested persons as may be designated in this  
11 compact and the bylaws;

12 l) provide and receive information from, and  
13 cooperate with, law enforcement agencies;

14 m) adopt and use an official seal; and

15 n) perform such other functions as may be  
16 necessary or appropriate to achieve the purposes of this  
17 compact consistent with the state regulation of emergency  
18 medical services personnel licensure and practice.

19 C. Financing of the Commission

20 (1) The commission shall pay, or provide for the  
21 payment of, the reasonable expenses of its establishment,  
22 organization and ongoing activities.

23 (2) The commission may accept any and all  
24 appropriate revenue sources, donations and grants of money,  
25 equipment, supplies, materials and services.

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

10           (4) The commission shall not incur obligations of  
11 any kind prior to securing the funds adequate to meet the same;  
12 nor shall the commission pledge the credit of any of the member  
13 states, except by and with the authority of the member state.

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

22           D. Qualified Immunity, Defense and Indemnification

23           (1) The members, officers, executive director,  
24 employees and representatives of the commission shall be immune  
25 from suit and liability, either personally or in their official

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1 capacity, for any claim for damage to or loss of property or  
2 personal injury or other civil liability caused by or arising  
3 out of any actual or alleged act, error or omission that  
4 occurred or that the person against whom the claim is made had  
5 a reasonable basis for believing occurred within the scope of  
6 commission employment, duties or responsibilities; provided  
7 that nothing in this paragraph shall be construed to protect  
8 any such person from suit and/or liability for any damage,  
9 loss, injury or liability caused by the intentional or willful  
10 or wanton misconduct of that person.

11 (2) The commission shall defend any member,  
12 officer, executive director, employee or representative of the  
13 commission in any civil action seeking to impose liability  
14 arising out of any actual or alleged act, error or omission  
15 that occurred within the scope of commission employment, duties  
16 or responsibilities, or that the person against whom the claim  
17 is made had a reasonable basis for believing occurred within  
18 the scope of commission employment, duties or responsibilities;  
19 provided that nothing herein shall be construed to prohibit  
20 that person from retaining the person's own counsel; and  
21 provided further that the actual or alleged act, error or  
22 omission did not result from that person's intentional or  
23 willful or wanton misconduct.

24 (3) The commission shall indemnify and hold  
25 harmless any member, officer, executive director, employee or

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

10 ARTICLE 11

11 Coordinated Database

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

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

- 22 (1) identifying information;
- 23 (2) licensure data;
- 24 (3) significant investigatory information;
- 25 (4) adverse actions against an individual's

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1 license;

2 (5) an indicator that an individual's  
3 privilege to practice is restricted, suspended or revoked;

4 (6) nonconfidential information related to  
5 alternative program participation;

6 (7) any denial of application for licensure  
7 and the reason for such denial; and

8 (8) other information that may facilitate the  
9 administration of this compact, as determined by the rules of  
10 the commission.

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

15 D. Member states contributing information to the  
16 coordinated database may designate information that may not be  
17 shared with the public without the express permission of the  
18 contributing state.

19 E. Any information submitted to the coordinated  
20 database that is subsequently required to be expunged by the  
21 laws of the member state contributing the information shall be  
22 removed from the coordinated database.

23 ARTICLE 12

24 Rulemaking

25 A. The commission shall exercise its rulemaking

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1 powers pursuant to the criteria set forth in this section and  
2 the rules adopted thereunder. Rules and amendments shall  
3 become binding as of the date specified in each rule or  
4 amendment.

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

9 C. Rules or amendments to the rules shall be  
10 adopted at a regular or special meeting of the commission.

11 D. Prior to promulgation and adoption of a final  
12 rule or rules by the commission, and at least sixty days in  
13 advance of the meeting at which the rule will be considered and  
14 voted upon, the commission shall file a notice of proposed  
15 rulemaking on the website of:

16 (1) the commission; and

17 (2) each member state's state emergency  
18 medical services authority or the publication in which each  
19 state would otherwise publish proposed rules.

20 E. The notice of proposed rulemaking shall include:

21 (1) the proposed time, date and location of  
22 the meeting in which the rule will be considered and voted  
23 upon;

24 (2) the text of the proposed rule or amendment  
25 and the reason for the proposed rule;

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1 (3) a request for comments on the proposed  
2 rule from any interested person; and

3 (4) the manner in which interested persons may  
4 submit notice to the commission of their intention to attend  
5 the public hearing and any written comments.

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

10 G. The commission shall grant an opportunity for a  
11 public hearing before it adopts a rule or amendment if a  
12 hearing is requested by:

13 (1) at least twenty-five persons;

14 (2) a governmental subdivision or agency; or

15 (3) an association having at least twenty-five  
16 members.

17 H. If a hearing is held on the proposed rule or  
18 amendment, the commission shall publish the place, time and  
19 date of the scheduled public hearing.

20 I. All persons wishing to be heard at the hearing  
21 shall notify the executive director of the commission or other  
22 designated member in writing of their desire to appear and  
23 testify at the hearing not less than five business days before  
24 the scheduled date of the hearing.

25 J. Hearings shall be conducted in a manner

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1 providing each person who wishes to comment a fair and  
2 reasonable opportunity to comment orally or in writing.

3 K. No transcript of the hearing is required unless  
4 a written request for a transcript is made, in which case the  
5 person requesting the transcript shall bear the cost of  
6 producing the transcript. A recording may be made in lieu of a  
7 transcript under the same terms and conditions as a transcript.  
8 Nothing in this subsection shall preclude the commission from  
9 making a transcript or recording of the hearing.

10 L. Nothing in this section shall be construed as  
11 requiring a separate hearing on each rule. Rules may be  
12 grouped for the convenience of the commission at hearings  
13 required by this section.

14 M. Following the scheduled hearing date, or by the  
15 close of business on the scheduled hearing date if the hearing  
16 was not held, the commission shall consider all written and  
17 oral comments received.

18 N. The commission shall, by majority vote of all  
19 members, take final action on the proposed rule and shall  
20 determine the effective date of the rule, if any, based on the  
21 rulemaking record and the full text of the rule.

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

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1           P. Upon determination that an emergency exists, the  
2 commission may consider and adopt an emergency rule without  
3 prior notice, opportunity for comment or hearing; provided that  
4 the usual rulemaking procedures provided in the compact and in  
5 this section shall be retroactively applied to the rule as soon  
6 as reasonably possible and in no event later than ninety days  
7 after the effective date of the rule. For the purposes of this  
8 provision, an emergency rule is one that is to be adopted  
9 immediately to:

10                       (1) meet an imminent threat to public health,  
11 safety or welfare;

12                       (2) prevent a loss of commission or member  
13 state funds;

14                       (3) meet a deadline for the promulgation of an  
15 administrative rule that is established by federal law or rule;

16 or

17                       (4) protect public health and safety.

18           Q. The commission or an authorized committee of the  
19 commission may direct revisions to a previously adopted rule or  
20 amendment for purposes of correcting typographical errors,  
21 errors in format, errors in consistency or grammatical errors.  
22 Public notice of any revisions shall be posted on the website  
23 of the commission. The revision shall be subject to challenge  
24 by any person for a period of thirty days after posting. The  
25 revision may be challenged only on grounds that the revision

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1 results in a material change to a rule. A challenge shall be  
2 made in writing and delivered to the chair of the commission  
3 prior to the end of the notice period. If no challenge is  
4 made, the revision shall take effect without further action.  
5 If the revision is challenged, the revision shall not take  
6 effect without the approval of the commission.

7 ARTICLE 13

8 A. Oversight, Dispute Resolution and Enforcement

9 (1) The executive, legislative and judicial  
10 branches of state government in each member state shall enforce  
11 this compact and take all actions necessary and appropriate to  
12 effectuate the compact's purposes and intent. The provisions  
13 of this compact and the rules promulgated hereunder shall have  
14 standing as statutory law.

15 (2) All courts shall take judicial notice of the  
16 compact and the rules in any judicial or administrative  
17 proceeding in a member state pertaining to the subject matter  
18 of this compact that may affect the powers, responsibilities or  
19 actions of the commission.

20 (3) The commission shall be entitled to receive  
21 service of process in any such proceeding and shall have  
22 standing to intervene in such a proceeding for all purposes.  
23 Failure to provide service of process to the commission shall  
24 render a judgment or order void as to the commission, this  
25 compact or rules promulgated pursuant to the compact.

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1           B. Default, Technical Assistance and Termination

2           (1) If the commission determines that a member  
3 state has defaulted in the performance of its obligations or  
4 responsibilities under this compact or the promulgated rules,  
5 the commission shall provide:

6                   a) written notice to the defaulting state and  
7 other member states of the nature of the default, the proposed  
8 means of curing the default or any other action to be taken by  
9 the commission; and

10                   b) remedial training and specific technical  
11 assistance regarding the default.

12           (2) If a state in default fails to cure the  
13 default, the defaulting state may be terminated from the  
14 compact upon an affirmative vote of a majority of the member  
15 states, and all rights, privileges and benefits conferred by  
16 this compact may be terminated on the effective date of  
17 termination. A cure of the default does not relieve the  
18 offending state of obligations or liabilities incurred during  
19 the period of default.

20           (3) Termination of membership in the compact shall  
21 be imposed only after all other means of securing compliance  
22 have been exhausted. Notice of intent to suspend or terminate  
23 shall be given by the commission to the governor, the majority  
24 and minority leaders of the defaulting state's legislature and  
25 each of the member states.

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

6 (5) The commission shall not bear any costs related  
7 to a state that is found to be in default or that has been  
8 terminated from the compact, unless agreed upon in writing  
9 between the commission and the defaulting state.

10 (6) The defaulting state may appeal the action of  
11 the commission by petitioning the United States district court  
12 for the District of Columbia or the federal district where the  
13 commission has its principal offices. The prevailing member  
14 shall be awarded all costs of such litigation, including  
15 reasonable attorney fees.

16 C. Dispute Resolution

17 (1) Upon request by a member state, the commission  
18 shall attempt to resolve disputes related to the compact that  
19 arise among member states and between member and nonmember  
20 states.

21 (2) The commission shall promulgate a rule  
22 providing for both mediation and binding dispute resolution for  
23 disputes as appropriate.

24 D. Enforcement

25 (1) The commission, in the reasonable exercise of

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1 its discretion, shall enforce the provisions and rules of this  
2 compact.

3 (2) The commission may, by majority vote of the  
4 members, initiate legal action to enforce compliance with the  
5 provisions of the compact, its promulgated rules and its bylaws  
6 against a member state in default. The venue for the action  
7 shall be consistent with the determination in other interstate  
8 compacts to which the state of New Mexico is a member under the  
9 laws of the state of New Mexico.

10 (3) The remedies herein shall not be the exclusive  
11 remedies of the commission. The commission may pursue any  
12 other remedies available under federal or state law.

13 ARTICLE 14

14 Date of Implementation of the Interstate Commission for  
15 Emergency Medical Services Personnel Practice and Associated  
16 Rules, Withdrawal and Amendment

17 A. The compact shall come into effect on the date  
18 on which the compact statute is enacted into law in the tenth  
19 member state. The provisions, which become effective at that  
20 time, shall be limited to the powers granted to the commission  
21 relating to assembly and the promulgation of rules.

22 Thereafter, the commission shall meet and exercise rulemaking  
23 powers necessary to the implementation and administration of  
24 the compact.

25 B. Any state that joins the compact subsequent to

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1 the commission's initial adoption of the rules shall be subject  
2 to the rules as they exist on the date on which the compact  
3 becomes law in that state. Any rule that has been previously  
4 adopted by the commission shall have the full force and effect  
5 of law on the day the compact becomes law in that state.

6 C. Any member state may withdraw from this compact  
7 by enacting a statute repealing the same. A member state's  
8 withdrawal shall not take effect until six months after  
9 enactment of the repealing statute. Withdrawal shall not  
10 affect the continuing requirement of the withdrawing state's  
11 state emergency medical services authority to comply with the  
12 investigative and adverse action reporting requirements of this  
13 act prior to the effective date of withdrawal.

14 D. Nothing contained in this compact shall be  
15 construed to invalidate or prevent any emergency medical  
16 services personnel licensure agreement or other cooperative  
17 arrangement between a member state and a nonmember state that  
18 does not conflict with the provisions of this compact.

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

23 ARTICLE 15

24 Construction and Severability

25 This compact shall be liberally construed so as to

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1 effectuate the purposes thereof. If this compact is held  
2 contrary to the constitution of any state member thereto, the  
3 compact shall remain in full force and effect as to the  
4 remaining member states. Nothing in this compact supersedes  
5 state law or rules related to licensure of emergency medical  
6 services agencies."

7 SECTION 2. EMERGENCY.--It is necessary for the public  
8 peace, health and safety that this act take effect immediately.

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