

HOUSE BILL NO. HB0112

EMS licensure-interstate compact.

Sponsored by: Joint Labor, Health & Social Services Interim Committee

A BILL

for

1 AN ACT relating to emergency medical service licensure;
2 adopting the recognition of emergency medical services
3 personnel licensure interstate compact; allowing EMS
4 personnel in one compact state to exercise practice
5 privileges in other member states; approving and specifying
6 terms of the compact; making conforming amendments; and
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 33-36-201 and 33-36-202 are created
12 to read:

13

ARTICLE 2

14

RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL

15

LICENSURE INTERSTATE COMPACT ACT (REPLICA)

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

12

13 1. Increase public access to EMS personnel;

14

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

17

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

20

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

23

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

11

12 C. "Alternative program" means: a voluntary, non-
13 disciplinary substance abuse recovery program approved by a
14 state EMS authority.

15

16 D. "Certification" means: the successful verification
17 of entry-level cognitive and psychomotor competency using a
18 reliable, validated, and legally defensible examination.

19

20 E. "Commission" means: the national administrative
21 body of which all states that have enacted the compact are
22 members.

23

1 F. "Emergency Medical Technician (EMT)" means: an
2 individual licensed with cognitive knowledge and a scope of
3 practice that corresponds to that level in the National EMS
4 Education Standards and National EMS Scope of Practice
5 Model.

6

7 G. "Home State" means: a member state where an
8 individual is licensed to practice emergency medical
9 services.

10

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

14

15 I. "Medical Director" means: a physician licensed in
16 a member state who is accountable for the care delivered by
17 EMS personnel.

18

19 J. "Member State" means: a state that has enacted
20 this compact.

21

1 K. "Privilege to Practice" means: an individual's
2 authority to deliver emergency medical services in remote
3 states as authorized under this compact.

4

5 L. "Paramedic" means: an individual licensed with
6 cognitive knowledge and a scope of practice that
7 corresponds to that level in the National EMS Education
8 Standards and National EMS Scope of Practice Model.

9

10 M. "Remote State" means: a member state in which an
11 individual is not licensed.

12

13 N. "Restricted" means: the outcome of an adverse
14 action that limits a license or the privilege to practice.

15

16 O. "Rule" means: a written statement by the
17 interstate Commission promulgated pursuant to Section 12 of
18 this compact that is of general applicability; implements,
19 interprets, or prescribes a policy or provision of the
20 compact; or is an organizational, procedural, or practice
21 requirement of the Commission and has the force and effect
22 of statutory law in a member state and includes the
23 amendment, repeal, or suspension of an existing rule.

1

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

7

8 Q. "Significant Investigatory Information" means:

9

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

16

17 2. Investigative information that indicates that
18 the individual represents an immediate threat to public
19 health and safety regardless of whether the individual has
20 been notified and had an opportunity to respond.

21

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

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2 S. "State EMS Authority" means: the board, office, or
3 other agency with the legislative mandate to license EMS
4 personnel.

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SECTION 3

7

HOME STATE LICENSURE

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9 A. Any member state in which an individual holds a
10 current license shall be deemed a home state for purposes
11 of this compact.

12

13 B. Any member state may require an individual to
14 obtain and retain a license to be authorized to practice in
15 the member state under circumstances not authorized by the
16 privilege to practice under the terms of this compact.

17

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

21

22 1. Currently requires the use of the National
23 Registry of Emergency Medical Technicians (NREMT)

1 examination as a condition of issuing initial licenses at
2 the EMT and paramedic levels;

3

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

6

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

10

11 4. No later than five (5) years after activation
12 of the Compact, requires a criminal background check of all
13 applicants for initial licensure, including the use of the
14 results of fingerprint or other biometric data checks
15 compliant with the requirements of the Federal Bureau of
16 Investigation with the exception of federal employees who
17 have suitability determination in accordance with 5 C.F.R.
18 § 731.202 or subsequent similar federal legislation and
19 submit documentation of such as promulgated in the rules of
20 the Commission; and

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22 5. Complies with the rules of the Commission.

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SECTION 4

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COMPACT PRIVILEGE TO PRACTICE

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

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

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

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

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless

1 and until modified by an appropriate authority in the
2 remote state as may be defined in the rules of the
3 commission.

4

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

14

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

20

21 F. If an individual's privilege to practice in any
22 remote state is restricted, suspended, or revoked the
23 individual shall not be eligible to practice in any remote

1 state until the individual's privilege to practice is
2 restored.

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SECTION 5

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CONDITIONS OF PRACTICE IN A REMOTE STATE

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7 An individual may practice in a remote state under a
8 privilege to practice only in the performance of the
9 individual's EMS duties as assigned by an appropriate
10 authority, as defined in the rules of the Commission, and
11 under the following circumstances:

12

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

15

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

19

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

22

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

4

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

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SECTION 6

9

RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

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

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SECTION 7

21

VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY

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MILITARY AND THEIR SPOUSES

23

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

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9 B. Member states shall expedite the processing of
10 licensure applications submitted by veterans, active
11 military service members, and members of the National Guard
12 and Reserves separating from an active duty tour, and their
13 spouses.

14

15 C. All individuals functioning with a privilege to
16 practice under this section remain subject to the adverse
17 actions provisions of section 8.

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SECTION 8

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ADVERSE ACTIONS

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

4

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

10

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

17

18 2. An individual currently subject to adverse
19 action in the home state shall not practice in any remote
20 state without prior written authorization from both the
21 home state and remote state's EMS authority.

22

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

5

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

8

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

14

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

21

22 G. Nothing in this Compact shall override a member
23 state's decision that participation in an alternative

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

8

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SECTION 9

10 ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS

11 AUTHORITY

12

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

16

17 1. Issue subpoenas for both hearings and
18 investigations that require the attendance and testimony of
19 witnesses and the production of evidence. Subpoenas issued
20 by a member state's EMS authority for the attendance and
21 testimony of witnesses, and/or the production of evidence
22 from another member state, shall be enforced in the remote
23 state by any court of competent jurisdiction, according to

1 that court's practice and procedure in considering
2 subpoenas issued in its own proceedings. The issuing state
3 EMS authority shall pay any witness fees, travel expenses,
4 mileage, and other fees required by the service statutes of
5 the state where the witnesses and/or evidence are located;
6 and

7

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

11

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SECTION 10

13

ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS

14

PERSONNEL PRACTICE

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

19

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

22

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

8
9 3. Nothing in this Compact shall be construed to
10 be a waiver of sovereign immunity.

11
12 B. Membership, Voting, and Meetings.

13
14 1. Each member state shall have and be limited
15 to one (1) delegate. The responsible official of the state
16 EMS authority or his designee shall be the delegate to this
17 Compact for each member state. Any delegate may be removed
18 or suspended from office as provided by the law of the
19 state from which the delegate is appointed. Any vacancy
20 occurring in the Commission shall be filled in accordance
21 with the laws of the member state in which the vacancy
22 exists. In the event that more than one (1) board, office,
23 or other agency with the legislative mandate to license EMS

1 personnel at and above the level of EMT exists, the
2 Governor of the state will determine which entity will be
3 responsible for assigning the delegate.

4

5 2. Each delegate shall be entitled to one (1)
6 vote with regard to the promulgation of rules and creation
7 of bylaws and shall otherwise have an opportunity to
8 participate in the business and affairs of the Commission.
9 A delegate shall vote in person or by such other means as
10 provided in the bylaws. The bylaws may provide for
11 delegates' participation in meetings by telephone or other
12 means of communication.

13

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

17

18 4. All meetings shall be open to the public, and
19 public notice of meetings shall be given in the same manner
20 as required under the rulemaking provisions in Section 12.

21

22 5. The Commission may convene in a closed, non-
23 public meeting if the Commission must discuss:

1

2 a. Non-compliance of a member state with
3 its obligations under the Compact;

4

5 b. The employment, compensation, discipline
6 or other personnel matters, practices or procedures related
7 to specific employees or other matters related to the
8 Commission's internal personnel practices and procedures;

9

10 c. Current, threatened, or reasonably
11 anticipated litigation;

12

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

15

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

18

19 f. Disclosure of trade secrets or
20 commercial or financial information that is privileged or
21 confidential;

22

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

4
5 h. Disclosure of investigatory records
6 compiled for law enforcement purposes;

7
8 i. Disclosure of information related to any
9 investigatory reports prepared by or on behalf of or for
10 use of the Commission or other committee charged with
11 responsibility of investigation or determination of
12 compliance issues pursuant to the Compact; or

13
14 j. Matters specifically exempted from
15 disclosure by federal or member state statute.

16
17 6. If a meeting, or portion of a meeting, is
18 closed pursuant to this provision, the Commission's legal
19 counsel or designee shall certify that the meeting may be
20 closed and shall reference each relevant exempting
21 provision. The Commission shall keep minutes that fully and
22 clearly describe all matters discussed in a meeting and
23 shall provide a full and accurate summary of actions taken,

1 and the reasons therefore, including a description of the
2 views expressed. All documents considered in connection
3 with an action shall be identified in such minutes. All
4 minutes and documents of a closed meeting shall remain
5 under seal, subject to release by a majority vote of the
6 Commission or order of a court of competent jurisdiction.

7

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

13

14 1. Establishing the fiscal year of the
15 Commission;

16

17 2. Providing reasonable standards and
18 procedures:

19

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

22

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

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

16
17 4. Establishing the titles, duties and
18 authority, and reasonable procedures for the election of
19 the officers of the Commission;

20
21 5. Providing reasonable standards and procedures
22 for the establishment of the personnel policies and
23 programs of the Commission. Notwithstanding any civil

1 service or other similar laws of any member state, the
2 bylaws shall exclusively govern the personnel policies and
3 programs of the Commission;

4

5 6. Promulgating a code of ethics to address
6 permissible and prohibited activities of Commission members
7 and employees;

8

9 7. Providing a mechanism for winding up the
10 operations of the Commission and the equitable disposition
11 of any surplus funds that may exist after the termination
12 of the Compact after the payment and/or reserving of all of
13 its debts and obligations;

14

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

19

20 9. The Commission shall maintain its financial
21 records in accordance with the bylaws.

22

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

4
5 D. The Commission shall have the following powers:

6
7 1. The authority to promulgate uniform rules to
8 facilitate and coordinate implementation and administration
9 of this Compact. The rules shall have the force and effect
10 of law and shall be binding in all member states;

11
12 2. To bring and prosecute legal proceedings or
13 actions in the name of the Commission, provided that the
14 standing of any state EMS authority or other regulatory
15 body responsible for EMS personnel licensure to sue or be
16 sued under applicable law shall not be affected;

17
18 3. To purchase and maintain insurance and bonds;

19
20 4. To borrow, accept, or contract for services
21 of personnel, including, but not limited to, employees of a
22 member state;

23

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

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

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

21

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

4

5 9. To establish a budget and make expenditures;

6

7 10. To borrow money;

8

9 11. To appoint committees, including advisory
10 committees comprised of members, state regulators, state
11 legislators or their representatives, and consumer
12 representatives, and such other interested persons as may
13 be designated in this Compact and the bylaws;

14

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

17

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

19

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

1

2 E. Financing of the Commission.

3

4 1. The Commission shall pay, or provide for the
5 payment of, the reasonable expenses of its establishment,
6 organization, and ongoing activities.

7

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

11

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

22

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

6
7 5. The Commission shall keep accurate accounts
8 of all receipts and disbursements. The receipts and
9 disbursements of the Commission shall be subject to the
10 audit and accounting procedures established under its
11 bylaws. However, all receipts and disbursements of funds
12 handled by the Commission shall be audited yearly by a
13 certified or licensed public accountant, and the report of
14 the audit shall be included in and become part of the
15 annual report of the Commission.

16
17 F. Qualified Immunity, Defense, and Indemnification.

18
19 1. The members, officers, executive director,
20 employees and representatives of the Commission shall be
21 immune from suit and liability, either personally or in
22 their official capacity, for any claim for damage to or
23 loss of property or personal injury or other civil

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

10

11 2. The Commission shall defend any member,
12 officer, executive director, employee or representative of
13 the Commission in any civil action seeking to impose
14 liability arising out of any actual or alleged act, error,
15 or omission that occurred within the scope of Commission
16 employment, duties, or responsibilities, or that the person
17 against whom the claim is made had a reasonable basis for
18 believing occurred within the scope of Commission
19 employment, duties, or responsibilities; provided that
20 nothing herein shall be construed to prohibit that person
21 from retaining his or her own counsel; and provided
22 further, that the actual or alleged act, error, or omission

1 did not result from that person's intentional or willful or
2 wanton misconduct.

3

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

16

17

SECTION 11

18

COORDINATED DATABASE

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20 A. The Commission shall provide for the development
21 and maintenance of a coordinated database and reporting
22 system containing licensure, adverse action, and

1 significant investigatory information on all licensed
2 individuals in member states.

3

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

9

10 1. Identifying information;

11

12 2. Licensure data;

13

14 3. Significant investigatory information;

15

16 4. Adverse actions against an individual's
17 license;

18

19 5. An indicator that an individual's privilege
20 to practice is restricted, suspended or revoked;

21

22 6. Non-confidential information related to
23 alternative program participation;

1

2 7. Any denial of application for licensure, and
3 the reason(s) for such denial; and

4

5 8. Other information that may facilitate the
6 administration of this Compact, as determined by the rules
7 of the Commission.

8

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

13

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

18

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

23

1 SECTION 12

2 RULEMAKING

3

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

9

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

15

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

18

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

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2

1. On the website of the Commission; and

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

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E. The Notice of Proposed Rulemaking shall include:

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

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

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

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

1 F. Prior to adoption of a proposed rule, the
2 Commission shall allow persons to submit written data,
3 facts, opinions, and arguments, which shall be made
4 available to the public.

5

6 G. The Commission shall grant an opportunity for a
7 public hearing before it adopts a rule or amendment if a
8 hearing is requested by:

9

10 1. At least twenty-five (25) persons;

11

12 2. A governmental subdivision or agency; or

13

14 3. An association having at least twenty-five
15 (25) members.

16

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

20

21 1. All persons wishing to be heard at the
22 hearing shall notify the executive director of the
23 Commission or other designated member in writing of their

1 desire to appear and testify at the hearing not less than
2 five (5) business days before the scheduled date of the
3 hearing.

4

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

8

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

17

18 4. Nothing in this section shall be construed as
19 requiring a separate hearing on each rule. Rules may be
20 grouped for the convenience of the Commission at hearings
21 required by this section.

22

1 I. Following the scheduled hearing date, or by the
2 close of business on the scheduled hearing date if the
3 hearing was not held, the Commission shall consider all
4 written and oral comments received.

5

6 J. The Commission shall, by majority vote of all
7 members, take final action on the proposed rule and shall
8 determine the effective date of the rule, if any, based on
9 the rulemaking record and the full text of the rule.

10

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

15

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

1 rule. For the purposes of this provision, an emergency rule
2 is one that must be adopted immediately in order to:

3

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

6

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

9

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

13

14 4. Protect public health and safety.

15

16 M. The Commission or an authorized committee of the
17 Commission may direct revisions to a previously adopted
18 rule or amendment for purposes of correcting typographical
19 errors, errors in format, errors in consistency, or
20 grammatical errors. Public notice of any revisions shall be
21 posted on the website of the Commission. The revision shall
22 be subject to challenge by any person for a period of
23 thirty (30) days after posting. The revision may be

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

8

9

SECTION 13

10

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

11

12

A. Oversight.

13

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16

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23

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

2. All courts shall take judicial notice of the
compact and the rules in any judicial or administrative
proceeding in a member state pertaining to the subject

1 matter of this Compact which may affect the powers,
2 responsibilities or actions of the Commission.

3

4 3. The Commission shall be entitled to receive
5 service of process in any such proceeding, and shall have
6 standing to intervene in such a proceeding for all
7 purposes. Failure to provide service of process to the
8 Commission shall render a judgment or order void as to the
9 Commission, this Compact, or promulgated rules.

10

11 B. Default, Technical Assistance, and Termination.

12

13 1. If the Commission determines that a member
14 state has defaulted in the performance of its obligations
15 or responsibilities under this Compact or the promulgated
16 rules, the Commission shall:

17

18 a. Provide written notice to the defaulting
19 state and other member states of the nature of the default,
20 the proposed means of curing the default and/or any other
21 action to be taken by the Commission; and

22

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

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

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

20
21 4. A state that has been terminated is
22 responsible for all assessments, obligations, and
23 liabilities incurred through the effective date of

1 termination, including obligations that extend beyond the
2 effective date of termination.

3

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

8

9 6. The defaulting state may appeal the action of
10 the Commission by petitioning the U.S. District Court for
11 the District of Columbia or the federal district where the
12 Commission has its principal offices. The prevailing member
13 shall be awarded all costs of such litigation, including
14 reasonable attorney's fees.

15

16 C. Dispute Resolution.

17

18 1. Upon request by a member state, the
19 Commission shall attempt to resolve disputes related to the
20 Compact that arise among member states and between member
21 and non-member states.

22

1 2. The Commission shall promulgate a rule
2 providing for both mediation and binding dispute resolution
3 for disputes as appropriate.

4

5 D. Enforcement.

6

7 1. The Commission, in the reasonable exercise of
8 its discretion, shall enforce the provisions and rules of
9 this Compact.

10

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

21

22 3. The remedies herein shall not be the
23 exclusive remedies of the Commission. The Commission may

1 pursue any other remedies available under federal or state
2 law.

3

4

SECTION 14

5 DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS

6 PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND

7

AMENDMENT

8

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

17

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

1 force and effect of law on the day the Compact becomes law
2 in that state.

3

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

6

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

10

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

16

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

22

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

5

6

SECTION 15

7

CONSTRUCTION AND SEVERABILITY

8

9 This Compact shall be liberally construed so as to
10 effectuate the purposes thereof. If this Compact shall be
11 held contrary to the constitution of any state member
12 thereto, the Compact shall remain in full force and effect
13 as to the remaining member states. Nothing in this Compact
14 supersedes state law or rules related to licensure of EMS

15

16 **Section 2.** W.S. 33-1-116 by creating a new subsection
17 (f), 33-36-102(a)(v) and (x), 33-36-103 by creating new
18 subsections (e) through (g), 33-36-108(a)(vi) and (vii) and
19 by creating a new paragraph (viii), 33-36-110(h) and by
20 creating a new subsection (j), 33-36-111(a), 33-36-112 and
21 33-36-113 are amended to read:

22

1 **33-1-116. Professional and occupational licensure of**
2 **military service members.**

3
4 (f) Any emergency medical service license sought
5 under W.S. 33-26-101 through 33-26-113 by a veteran of
6 military service, by a military service member except a
7 member of the national guard, by a national guard member
8 separating from an active duty tour or by the spouse of any
9 of these persons shall be processed and considered pursuant
10 to the requirements of the Recognition of Emergency Medical
11 Services Personnel Licensure Interstate Compact Act, W.S.
12 33-36-202.

13
14 **33-36-102. Definitions.**

15
16 (a) As used in this act:

17
18 (v) "Division" means the designated division of
19 the department of health which division shall be the state
20 EMS authority for purposes of the Recognition of Emergency
21 Medical Services Personnel Licensure Interstate Compact
22 Act, W.S. 33-36-202;

23

1 (x) "Emergency medical technician" means a
2 person who has graduated from a division approved training
3 program for emergency medical technicians and for purposes
4 of the Recognition of Emergency Medical Services Personnel
5 Licensure Interstate Compact Act means as defined in W.S.
6 33-26-202;

7
8 **33-36-103. Rules and regulations; procedure;**
9 **initiation of proceedings.**

10
11 (e) The division shall recognize the practice
12 requirements of the Recognition of Emergency Medical
13 Services Personnel Licensure Interstate Compact Act, W.S.
14 33-36-202, and shall prescribe any rules necessary for
15 implementation of the compact.

16
17 (f) The division shall administer the provisions of
18 the Recognition of Emergency Medical Services Personnel
19 Licensure Interstate Compact Act, W.S. 33-36-202, including
20 factoring the annual assessment required under the compact
21 into its biennial budget.

22

1 (g) The division shall consider and process licenses
2 for veterans of military service, military service members
3 and the spouses of military service members pursuant to the
4 requirements of the Recognition of Emergency Medical
5 Services Personnel Licensure Interstate Compact Act, W.S.
6 33-36-202.

7
8 **33-36-110. Emergency medical technician licensing;**
9 **persons eligible; biennial fee; renewal; waiver of**
10 **requirements.**

11
12 (h) To the extent the right to practice in Wyoming is
13 not already provided by the Recognition of Emergency
14 Medical Services Personnel Licensure Interstate Compact
15 Act, W.S. 33-36-202, and if necessary to manage an
16 emergency in this state, the division may issue temporary
17 emergency medical technician licenses to emergency medical
18 technicians who are retired, who have an inactive license
19 or who are licensed in another state without a valid
20 Wyoming license. The temporary license shall be valid for
21 not more than ninety (90) days and be issued pursuant to a
22 streamlined procedure established by rules and regulations
23 promulgated by the division.

1

2 (j) The division shall recognize the right of
3 emergency medical technician personnel licensed in another
4 state to practice in Wyoming to the extent required by the
5 Recognition of Emergency Medical Services Personnel
6 Licensure Interstate Compact Act, W.S. 33-36-202.

7

8 **33-36-111. Authorized acts of emergency medical**
9 **technicians.**

10

11 (a) An individual who holds a valid emergency medical
12 technician license issued by the division is authorized to
13 perform any act authorized by division rules and
14 regulations, under written or oral authorization of a
15 licensed physician, and may provide emergency medical
16 technician services in other states as permitted by the
17 Recognition of Emergency Medical Services Personnel
18 Licensure Interstate Compact Act, W.S. 33-36-202.

19

20 **33-36-112. Enjoining or restraining unlawful acts.**

21

22 Whenever any person has engaged or is about to engage in
23 any acts or practices which constitute a violation of W.S.

1 33-36-103, ~~or~~ 33-36-111 or the Recognition of Emergency
2 Medical Services Personnel Licensure Interstate Compact
3 Act, W.S. 33-36-202, the division may make application to
4 the appropriate court for an order enjoining those acts,
5 and upon a showing by the division that the person has
6 engaged or is about to engage in any illegal act, an
7 injunction, restraining order or other appropriate order
8 shall be granted by the court without bond. The division
9 shall comply with the Recognition of Emergency Medical
10 Services Personnel Licensure Interstate Compact Act, W.S.
11 33-36-202, when taking any action under this section.

12

13 **33-36-113. Violations; penalties; proceedings.**

14

15 Any person who violates any of the provisions of W.S.
16 33-36-103, ~~or~~ 33-36-111 or the Recognition of Emergency
17 Medical Services Personnel Licensure Interstate Compact
18 Act, W.S. 33-36-202, is guilty of a misdemeanor and upon
19 conviction shall be fined not more than four hundred
20 dollars (\$400.00) or imprisoned in the county jail not more
21 than six (6) months, or both. If the division has reason to
22 believe that any individual is liable to punishment under
23 this section, it may certify the facts to the attorney

1 general of Wyoming who may take appropriate action. The
2 division shall comply with the Recognition of Emergency
3 Medical Services Personnel Licensure Interstate Compact Act
4 when taking any action under this section.

5

6 **Section 3.** This act is effective July 1, 2017.

7

8

(END)