

**SUBJECT:** Interstate compact for emergency medical services personnel licensure

**COMMITTEE:** Public Health — favorable, without amendment

**VOTE:** 10 ayes — Crownover, Naishtat, Blanco, Coleman, S. Davis, Guerra, R. Miller, Sheffield, Zedler, Zerwas

0 nays

1 absent — Collier

**WITNESSES:** For — Butch Oberhoff, Texas EMS Alliance; (*Registered, but did not testify*: Margo Cardwell, State Firefighters' and Fire Marshals' Association; G.K. Sprinkle, Texas Ambulance Association; Ryan Matthews and Dudley Wait, Texas EMS Alliance; Courtney DeBower, Texas EMS, Trauma and Acute Care Foundation; Joseph Palfini)

Against — (*Registered, but did not testify*: Edward Jacobson)

On — (*Registered, but did not testify*: Joseph Schmider, DSHS)

**BACKGROUND:** Emergency medical services (EMS) personnel are generally governed by the laws in their home states and may have to comply with different licensure requirements if they travel to different states. Some states have considered joining interstate compacts to allow EMS personnel to move across state boundaries without having to meet different licensure requirements in each state.

**DIGEST:** HB 2498 would enact the EMS Personnel Licensure Interstate Compact and would specify that Texas would enter into the compact with all other states legally joining in the compact. The bill also would specify that the states in the compact would create and establish the Interstate Commission for EMS Personnel Practice to carry out the purposes and exercise the powers of the compact.

**Interstate Commission for EMS Personnel Practice.** The bill would

specify that the compact states would create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice, which would, by majority vote of its delegates, prescribe bylaws and rules to carry out the purposes and powers of the compact. The bill would specify the procedures for the commission's operation, membership, rulemaking, and activities.

*Finance.* The commission could accept all appropriate revenue sources, donations and grants of money, equipment, supplies, materials, and services. The commission could levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff. The commission could not pledge the credit of any of the member states, except by and with the authority of the member state.

*Database.* The commission would provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states. The bill would specify additional policies related to the database.

*Rulemaking hearings.* The bill would require the commission to grant an opportunity for a public hearing before it would adopt a rule or amendment if a hearing was requested by at least 25 people, a governmental subdivision or agency, or an association with at least 25 members. The commission could consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing if the commission determined that an emergency existed, provided that the usual rulemaking procedures provided in the compact and in the provisions of HB 2498 would be retroactively applied to the rule as soon as reasonably possible within 90 days. The bill would specify additional policies related to the hearings.

*Enforcement.* The bill would require the commission, in the reasonable exercise of its discretion, to enforce the provisions and rules of the compact. The commission could initiate legal action by majority vote in

the U.S. District Court for the District of Columbia or the federal district where the commission would have its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The bill would specify the type of relief that could be sought, process for judicial enforcement, and the types of remedies that could be pursued.

**Licensure and ability to practice.** *Home state licensure.* Any member state in which an individual held a current license would be deemed a home state under the interstate compact. A home state's license would authorize an individual to practice in a remote state, meaning a member state in which the individual was not licensed, only if the home state had certain licensure requirements specified in the bill.

*Remote state licensure.* HB 2498 would specify conditions and qualifications for an individual to practice in a remote state. Among those conditions, an individual could practice in a remote state under a privilege to practice only when performing EMS duties as assigned by an appropriate authority, as defined in the rules of the commission.

*Ability to practice.* The bill would specify when an individual could practice in a remote state. Member states would recognize the privilege to practice of an individual licensed in another member state who had conformed with licensure requirements in their home state. To exercise the privilege to practice under the compact, an individual would have to:

- be at least 18 years old;
- have 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
- practice under the supervision of a medical director.

*Veterans and licensure.* Member states would consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and the person's spouse as having satisfied the minimum training and examination requirements for

licensure in a state if they held a current valid and unrestricted NREMT certification at or above the level of the state license being sought. Member states would expedite the processing of these licensure applications.

*Adverse actions.* A home state would have exclusive power to impose adverse action against an individual's license issued by the home state. If an individual's license in any home state was restricted or suspended, the individual would not be eligible to practice in a remote state under the privilege to practice until their home state license was restored. The bill would specify additional policies for adverse actions.

**Additional powers of a member state's EMS authority.** The compact would authorize a member state's EMS authority, in addition to any other powers granted under state law, to issue subpoenas for hearings and investigations and to issue cease and desist orders to restrict, suspend or revoke an individual's privilege to practice in the state.

**Oversight.** HB 2498 would require the executive, legislative, and judicial branches of state government in each member state to enforce the compact and to take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of the compact and the rules promulgated in the bill's provisions would have standing as statutory law. All courts would take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of the compact that could affect the powers, responsibilities, or actions of the commission. Upon request by a member state, the commission would attempt to resolve disputes related to the compact that arose among member states and between member and non-member states.

**Default and termination.** If the commission determined that a member state had defaulted in the performance of its obligations or responsibilities under the compact or the promulgated rules, the commission would provide written notice to the defaulting state and the member states of the nature of the default, the proposed means of curing the default and any

other action to be taken by the commission. The commission also would provide remedial training and specific technical assistance regarding the default.

The bill would provide policies for terminating a state due to default. Among these policies, the bill would specify that a defaulting state could be terminated from the compact if the majority of the member states voted affirmatively for termination. A state that had been terminated would be responsible for all assessments, obligations, and liabilities incurred through the effective date of termination.

**Emergency declarations.** If a governor of a member state declared a state of emergency or disaster that activated the Emergency Management Assistance Compact (EMAC), all relevant terms of provisions of the EMAC would apply, and the terms of the EMAC would prevail over the compact with respect to any individual practicing in the remote state in response to a declaration of emergency.

**Other cooperative EMS agreements.** The bill would specify that nothing in the compact could be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative agreement between a member state and a non-member state that did not conflict with the provisions of the compact.

**Severability.** If the compact were held contrary to the constitution of any state member in the compact, the compact would remain in full force and effect for the remaining member states.

**Implementation dates.** The compact would take effect on the date the compact statute was enacted into law by the tenth member state. On that date, the only provisions that would go into effect would be those that were limited to the powers granted to the commission relating to assembly and promulgation of rules. Thereafter, the commission would meet and exercise rulemaking powers necessary to implement and administer the compact.

Any state that joined the compact after the commission initially adopted the rules would be subject to the rules as they would exist on the date the compact became law in that state. Any rule that the commission had previously adopted would have the full force and effect of law on the day the compact became law in that state.

**Withdrawal and amendment.** A state could withdraw from the compact by enacting statute that repealed the compact. The bill would specify additional policies regarding withdrawal from the compact. In addition, the bill would allow the member states to amend the compact. No amendment would become effective and binding for any member state until it was enacted into the laws of all member states.

The bill would take effect September 1, 2015.