

By: Representatives Carpenter, Arnold, Currie, Dortch, Hale, Hughes, Johnson (94th), Rogers (61st), Scoggin, Young, Miles, Dixon, Gibbs (72nd), Powell

To: Public Health and Human Services

HOUSE BILL NO. 493

1 AN ACT TO ENACT INTO LAW THE RECOGNITION OF EMERGENCY MEDICAL  
2 SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT AND PROVIDE THAT  
3 THE STATE OF MISSISSIPPI ENTERS THE COMPACT WITH OTHER STATES THAT  
4 JOIN IN THE COMPACT; TO AMEND SECTIONS 41-59-3, 41-59-29, 41-59-33  
5 AND 41-59-35, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
6 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** The Recognition of Emergency Medical Services  
9 Personnel Licensure Interstate Compact is enacted into law and  
10 entered into by this state with any and all states legally joining  
11 in the compact in accordance with its terms, in the form  
12 substantially as follows:

13 **RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL**

14 **LICENSURE INTERSTATE COMPACT**

15 **SECTION 1.**

16 **PURPOSE**

17 In order to protect the public through verification of  
18 competency and ensure accountability for patient care related  
19 activities all states license emergency medical services (EMS)  
20 personnel, such as emergency medical technicians (EMTs), advanced



21 EMTs and paramedics. This compact is intended to facilitate the  
22 day to day movement of EMS personnel across state boundaries in  
23 the performance of their EMS duties as assigned by an appropriate  
24 authority and authorize state EMS offices to afford immediate  
25 legal recognition to EMS personnel licensed in a member state.  
26 This compact recognizes that states have a vested interest in  
27 protecting the public's health and safety through their licensing  
28 and regulation of EMS personnel and that such state regulation  
29 shared among the member states will best protect public health and  
30 safety. This compact is designed to achieve the following  
31 purposes and objectives:

- 32 1. Increase public access to EMS personnel;
- 33 2. Enhance the states' ability to protect the public's  
34 health and safety, especially patient safety;
- 35 3. Encourage the cooperation of member states in the areas  
36 of EMS personnel licensure and regulation;
- 37 4. Support licensing of military members who are separating  
38 from an active duty tour and their spouses;
- 39 5. Facilitate the exchange of information between member  
40 states regarding EMS personnel licensure, adverse action and  
41 significant investigatory information;
- 42 6. Promote compliance with the laws governing EMS personnel  
43 practice in each member state; and



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

47 **SECTION 2.**

48 **DEFINITIONS**

49 As used in this compact, and except as otherwise provided,  
50 the following definitions shall apply:

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

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

64 C. "Alternative program" means a voluntary, non-disciplinary  
65 substance abuse recovery program approved by a state EMS  
66 authority.



67 D. "Certification" means the successful verification of  
68 entry-level cognitive and psychomotor competency using a reliable,  
69 validated, and legally defensible examination.

70 E. "Commission" means the national administrative body of  
71 which all states that have enacted the compact are members.

72 F. "Emergency medical technician (EMT)" means an individual  
73 licensed with cognitive knowledge and a scope of practice that  
74 corresponds to that level in the National EMS Education Standards  
75 and National EMS Scope of Practice Model.

76 G. "Home state" means a member state where an individual is  
77 licensed to practice emergency medical services.

78 H. "License" means the authorization by a state for an  
79 individual to practice as an EMT, AEMT, paramedic, or a level in  
80 between EMT and paramedic.

81 I. "Medical director" means a physician licensed in a member  
82 state who is accountable for the care delivered by EMS personnel.

83 J. "Member state" means a state that has enacted this  
84 compact.

85 K. "Privilege to practice" means an individual's authority  
86 to deliver emergency medical services in remote states as  
87 authorized under this compact.

88 L. "Paramedic" means an individual licensed with cognitive  
89 knowledge and a scope of practice that corresponds to that level  
90 in the National EMS Education Standards and National EMS Scope of  
91 Practice Model.



92 M. "Remote state" means a member state in which an  
93 individual is not licensed.

94 N. "Restricted" means the outcome of an adverse action that  
95 limits a license or the privilege to practice.

96 O. "Rule" means a written statement by the interstate  
97 commission promulgated pursuant to Section 12 of this compact that  
98 is of general applicability; implements, interprets, or prescribes  
99 a policy or provision of the compact; or is an organizational,  
100 procedural, or practice requirement of the commission and has the  
101 force and effect of statutory law in a member state and includes  
102 the amendment, repeal, or suspension of an existing rule.

103 P. "Scope of practice" means defined parameters of various  
104 duties or services that may be provided by an individual with  
105 specific credentials. Whether regulated by rule, statute, or  
106 court decision, it tends to represent the limits of services an  
107 individual may perform.

108 Q. "Significant investigatory information" means:

109 1. Investigative information that a state EMS  
110 authority, after a preliminary inquiry that includes notification  
111 and an opportunity to respond if required by state law, has reason  
112 to believe, if proved true, would result in the imposition of an  
113 adverse action on a license or privilege to practice; or

114 2. Investigative information that indicates that the  
115 individual represents an immediate threat to public health and



116 safety regardless of whether the individual has been notified and  
117 had an opportunity to respond.

118 R. "State" means any state, commonwealth, district, or  
119 territory of the United States.

120 S. "State EMS authority" means the board, office, or other  
121 agency with the legislative mandate to license EMS personnel.

122 **SECTION 3.**

123 **HOME STATE LICENSURE**

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

126 B. Any member state may require an individual to obtain and  
127 retain a license to be authorized to practice in the member state  
128 under circumstances not authorized by the privilege to practice  
129 under the terms of this compact.

130 C. A home state's license authorizes an individual to  
131 practice in a remote state under the privilege to practice only if  
132 the home state:

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

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



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

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

150           5. Complies with the rules of the commission.

151   **SECTION 4.**

152   **COMPACT PRIVILEGE TO PRACTICE**

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

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

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

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



163 3. Practice under the supervision of a medical  
164 director.

165 C. An individual providing patient care in a remote state  
166 under the privilege to practice shall function within the scope of  
167 practice authorized by the home state unless and until modified by  
168 an appropriate authority in the remote state as may be defined in  
169 the rules of the commission.

170 D. Except as provided in subsection C of this section, an  
171 individual practicing in a remote state will be subject to the  
172 remote state's authority and laws. A remote state may, in  
173 accordance with due process and that state's laws, restrict,  
174 suspend, or revoke an individual's privilege to practice in the  
175 remote state and may take any other necessary actions to protect  
176 the health and safety of its citizens. If a remote state takes  
177 action it shall promptly notify the home state and the commission.

178 E. If an individual's license in any home state is  
179 restricted or suspended, the individual shall not be eligible to  
180 practice in a remote state under the privilege to practice until  
181 the individual's home state license is restored.

182 F. If an individual's privilege to practice in any remote  
183 state is restricted, suspended, or revoked, the individual shall  
184 not be eligible to practice in any remote state until the  
185 individual's privilege to practice is restored.

186 **SECTION 5.**

187 **CONDITIONS OF PRACTICE IN A REMOTE STATE**





188 An individual may practice in a remote state under a  
189 privilege to practice only in the performance of the individual's  
190 EMS duties as assigned by an appropriate authority, as defined in  
191 the rules of the commission, and under the following  
192 circumstances:

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

195 2. The individual originates in the home state and enters a  
196 remote state to pick up a patient and provide care and transport  
197 of the patient to the home state;

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

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

202 5. Other conditions as determined by rules promulgated by  
203 the commission.

204 **SECTION 6.**

205 **RELATIONSHIP TO**

206 **EMERGENCY MANAGEMENT ASSISTANCE COMPACT**

207 Upon a member state's governor's declaration of a state of  
208 emergency or disaster that activates the Emergency Management  
209 Assistance Compact (EMAC), all relevant terms and provisions of  
210 EMAC shall apply and to the extent any terms or provisions of this  
211 compact conflicts with EMAC, the terms of EMAC shall prevail with



212 respect to any individual practicing in the remote state in  
213 response to such declaration.

214 **SECTION 7.**

215 **VETERANS, SERVICE MEMBERS SEPARATING FROM**  
216 **ACTIVE DUTY MILITARY, AND THEIR SPOUSES**

217 A. Member states shall consider a veteran, active military  
218 service member, and member of the National Guard and Reserves  
219 separating from an active duty tour, and a spouse thereof, who  
220 holds a current valid and unrestricted NREMT certification at or  
221 above the level of the state license being sought as satisfying  
222 the minimum training and examination requirements for such  
223 licensure.

224 B. Member states shall expedite the processing of licensure  
225 applications submitted by veterans, active military service  
226 members, and members of the National Guard and Reserves separating  
227 from an active duty tour, and their spouses.

228 C. All individuals functioning with a privilege to practice  
229 under this section remain subject to the Adverse Actions  
230 provisions of Section 8 of this compact.

231 **SECTION 8.**

232 **ADVERSE ACTIONS**

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

235 B. If an individual's license in any home state is  
236 restricted or suspended, the individual shall not be eligible to



237 practice in a remote state under the privilege to practice until  
238 the individual's home state license is restored.

239           1. All home state adverse action orders shall include a  
240 statement that the individual's compact privileges are inactive.  
241 The order may allow the individual to practice in remote states  
242 with prior written authorization from both the home state and  
243 remote state's EMS authority.

244           2. An individual currently subject to adverse action in  
245 the home state shall not practice in any remote state without  
246 prior written authorization from both the home state and remote  
247 state's EMS authority.

248           C. A member state shall report adverse actions and any  
249 occurrences that the individual's compact privileges are  
250 restricted, suspended, or revoked to the commission in accordance  
251 with the rules of the commission.

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

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

258           F. A home state's EMS authority shall investigate and take  
259 appropriate action with respect to reported conduct in a remote  
260 state as it would if such conduct had occurred within the home



261 state. In such cases, the home state's law shall control in  
262 determining the appropriate adverse action.

263 G. Nothing in this compact shall override a member state's  
264 decision that participation in an alternative program may be used  
265 in lieu of adverse action and that such participation shall remain  
266 non-public if required by the member state's laws. Member states  
267 must require individuals who enter any alternative programs to  
268 agree not to practice in any other member state during the term of  
269 the alternative program without prior authorization from such  
270 other member state.

271 **SECTION 9.**

272 **ADDITIONAL POWERS INVESTED IN A**  
273 **MEMBER STATE'S EMS AUTHORITY**

274 A member state's EMS authority, in addition to any other  
275 powers granted under state law, is authorized under this compact  
276 to:

277 1. Issue subpoenas for both hearings and investigations that  
278 require the attendance and testimony of witnesses and the  
279 production of evidence. Subpoenas issued by a member state's EMS  
280 authority for the attendance and testimony of witnesses, and/or  
281 the production of evidence from another member state, shall be  
282 enforced in the remote state by any court of competent  
283 jurisdiction, according to that court's practice and procedure in  
284 considering subpoenas issued in its own proceedings. The issuing  
285 state EMS authority shall pay any witness fees, travel expenses,



286 mileage, and other fees required by the service statutes of the  
287 state where the witnesses and/or evidence are located; and

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

290 **SECTION 10.**

291 **ESTABLISHMENT OF THE INTERSTATE COMMISSION**

292 **FOR EMS PERSONNEL PRACTICE**

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

296 1. The commission is a body politic and an  
297 instrumentality of the compact states.

298 2. Venue is proper and judicial proceedings by or  
299 against the commission shall be brought solely and exclusively in  
300 a court of competent jurisdiction where the principal office of  
301 the commission is located. The commission may waive venue and  
302 jurisdictional defenses to the extent it adopts or consents to  
303 participate in alternative dispute resolution proceedings.  
304 Nothing in this compact shall be construed to be a waiver of  
305 sovereign immunity.

306 B. Membership, Voting, and Meetings.

307 1. Each member state shall have and be limited to one  
308 (1) delegate. The responsible official of the state EMS authority  
309 or his designee shall be the delegate to this compact for each  
310 member state. Any delegate may be removed or suspended from



311 office as provided by the law of the state from which the delegate  
312 is appointed. Any vacancy occurring in the commission shall be  
313 filled in accordance with the laws of the member state in which  
314 the vacancy exists. In the event that more than one (1) board,  
315 office, or other agency with the legislative mandate to license  
316 EMS personnel at and above the level of EMT exists, the Governor  
317 of the state will determine which entity will be responsible for  
318 assigning the delegate.

319           2. Each delegate shall be entitled to one (1) vote with  
320 regard to the promulgation of rules and creation of bylaws and  
321 shall otherwise have an opportunity to participate in the business  
322 and affairs of the commission. A delegate shall vote in person or  
323 by such other means as provided in the bylaws. The bylaws may  
324 provide for delegates' participation in meetings by telephone or  
325 other means of communication.

326           3. The commission shall meet at least once during each  
327 calendar year. Additional meetings shall be held as set forth in  
328 the bylaws.

329           4. All meetings shall be open to the public, and public  
330 notice of meetings shall be given in the same manner as required  
331 under the rulemaking provisions in Section 12 of this compact.

332           5. The commission may convene in a closed, non-public  
333 meeting if the commission must discuss:

334                 a. Non-compliance of a member state with its  
335 obligations under the compact;



- 336                   b. The employment, compensation, discipline or  
337 other personnel matters, practices or procedures related to  
338 specific employees or other matters related to the commission's  
339 internal personnel practices and procedures;
- 340                   c. Current, threatened, or reasonably anticipated  
341 litigation;
- 342                   d. Negotiation of contracts for the purchase or  
343 sale of goods, services, or real estate;
- 344                   e. Accusing any person of a crime or formally  
345 censuring any person;
- 346                   f. Disclosure of trade secrets or commercial or  
347 financial information that is privileged or confidential;
- 348                   g. Disclosure of information of a personal nature  
349 where disclosure would constitute a clearly unwarranted invasion  
350 of personal privacy;
- 351                   h. Disclosure of investigatory records compiled  
352 for law enforcement purposes;
- 353                   i. Disclosure of information related to any  
354 investigatory reports prepared by or on behalf of or for use of  
355 the commission or other committee charged with responsibility of  
356 investigation or determination of compliance issues pursuant to  
357 the compact; or
- 358                   j. Matters specifically exempted from disclosure  
359 by federal or member state statute.



360           6. If a meeting, or portion of a meeting, is closed  
361 pursuant to this provision, the commission's legal counsel or  
362 designee shall certify that the meeting may be closed and shall  
363 reference each relevant exempting provision. The commission shall  
364 keep minutes that fully and clearly describe all matters discussed  
365 in a meeting and shall provide a full and accurate summary of  
366 actions taken, and the reasons therefore, including a description  
367 of the views expressed. All documents considered in connection  
368 with an action shall be identified in such minutes. All minutes  
369 and documents of a closed meeting shall remain under seal, subject  
370 to release by a majority vote of the commission or order of a  
371 court of competent jurisdiction.

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

376           1. Establishing the fiscal year of the commission;

377           2. Providing reasonable standards and procedures:

378                 a. For the establishment and meetings of other  
379 committees; and

380                 b. Governing any general or specific delegation of  
381 any authority or function of the commission;

382           3. Providing reasonable procedures for calling and  
383 conducting meetings of the commission, ensuring reasonable advance  
384 notice of all meetings, and providing an opportunity for





385 attendance of such meetings by interested parties, with enumerated  
386 exceptions designed to protect the public's interest, the privacy  
387 of individuals, and proprietary information, including trade  
388 secrets. The commission may meet in closed session only after a  
389 majority of the membership votes to close a meeting in whole or in  
390 part. As soon as practicable, the commission must make public a  
391 copy of the vote to close the meeting revealing the vote of each  
392 member with no proxy votes allowed;

393 4. Establishing the titles, duties and authority, and  
394 reasonable procedures for the election of the officers of the  
395 commission;

396 5. Providing reasonable standards and procedures for  
397 the establishment of the personnel policies and programs of the  
398 commission. Notwithstanding any civil service or other similar  
399 laws of any member state, the bylaws shall exclusively govern the  
400 personnel policies and programs of the commission;

401 6. Promulgating a code of ethics to address permissible  
402 and prohibited activities of commission members and employees;

403 7. Providing a mechanism for winding up the operations  
404 of the commission and the equitable disposition of any surplus  
405 funds that may exist after the termination of the compact after  
406 the payment and/or reserving of all of its debts and obligations;

407 8. The commission shall publish its bylaws and file a  
408 copy thereof, and a copy of any amendment thereto, with the



409 appropriate agency or officer in each of the member states, if  
410 any;

411           9. The commission shall maintain its financial records  
412 in accordance with the bylaws;

413           10. The commission shall meet and take such actions as  
414 are consistent with the provisions of this compact and the bylaws.

415           D. The commission shall have the following powers:

416               1. The authority to promulgate uniform rules to  
417 facilitate and coordinate implementation and administration of  
418 this compact. The rules shall have the force and effect of law  
419 and shall be binding in all member states;

420               2. To bring and prosecute legal proceedings or actions  
421 in the name of the commission, provided that the standing of any  
422 state EMS authority or other regulatory body responsible for EMS  
423 personnel licensure to sue or be sued under applicable law shall  
424 not be affected;

425               3. To purchase and maintain insurance and bonds;

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

429               5. To hire employees, elect or appoint officers, fix  
430 compensation, define duties, grant such individuals appropriate  
431 authority to carry out the purposes of the compact, and to  
432 establish the commission's personnel policies and programs



433 relating to conflicts of interest, qualifications of personnel,  
434 and other related personnel matters;

435           6. To accept any and all appropriate donations and  
436 grants of money, equipment, supplies, materials and services, and  
437 to receive, utilize and dispose of the same; provided that at all  
438 times the commission shall strive to avoid any appearance of  
439 impropriety and/or conflict of interest;

440           7. To lease, purchase, accept appropriate gifts or  
441 donations of, or otherwise to own, hold, improve or use, any  
442 property, real, personal or mixed; provided that at all times the  
443 commission shall strive to avoid any appearance of impropriety;

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

447           9. To establish a budget and make expenditures;

448           10. To borrow money;

449           11. To appoint committees, including advisory  
450 committees comprised of members, state regulators, state  
451 legislators or their representatives, and consumer  
452 representatives, and such other interested persons as may be  
453 designated in this compact and the bylaws;

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

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



457           14. To perform such other functions as may be necessary  
458 or appropriate to achieve the purposes of this compact consistent  
459 with the state regulation of EMS personnel licensure and practice.

460           E. Financing of the commission.

461           1. The commission shall pay, or provide for the payment  
462 of, the reasonable expenses of its establishment, organization,  
463 and ongoing activities.

464           2. The commission may accept any and all appropriate  
465 revenue sources, donations, and grants of money, equipment,  
466 supplies, materials, and services.

467           3. The commission may levy on and collect an annual  
468 assessment from each member state or impose fees on other parties  
469 to cover the cost of the operations and activities of the  
470 commission and its staff, which must be in a total amount  
471 sufficient to cover its annual budget as approved each year for  
472 which revenue is not provided by other sources. The aggregate  
473 annual assessment amount shall be allocated based upon a formula  
474 to be determined by the commission, which shall promulgate a rule  
475 binding upon all member states.

476           4. The commission shall not incur obligations of any  
477 kind prior to securing the funds adequate to meet the same; nor  
478 shall the commission pledge the credit of any of the member  
479 states, except by and with the authority of the member state.

480           5. The commission shall keep accurate accounts of all  
481 receipts and disbursements. The receipts and disbursements of the



482 commission shall be subject to the audit and accounting procedures  
483 established under its bylaws. However, all receipts and  
484 disbursements of funds handled by the commission shall be audited  
485 yearly by a certified or licensed public accountant, and the  
486 report of the audit shall be included in and become part of the  
487 annual report of the commission.

488 F. Qualified Immunity, Defense, and Indemnification.

489 1. The members, officers, executive director, employees  
490 and representatives of the commission shall be immune from suit  
491 and liability, either personally or in their official capacity,  
492 for any claim for damage to or loss of property or personal injury  
493 or other civil liability caused by or arising out of any actual or  
494 alleged act, error or omission that occurred, or that the person  
495 against whom the claim is made had a reasonable basis for  
496 believing occurred within the scope of commission employment,  
497 duties or responsibilities; provided that nothing in this  
498 paragraph shall be construed to protect any such person from suit  
499 and/or liability for any damage, loss, injury, or liability caused  
500 by the intentional or willful or wanton misconduct of that person.

501 2. The commission shall defend any member, officer,  
502 executive director, employee or representative of the commission  
503 in any civil action seeking to impose liability arising out of any  
504 actual or alleged act, error, or omission that occurred within the  
505 scope of commission employment, duties, or responsibilities, or  
506 that the person against whom the claim is made had a reasonable



507 basis for believing occurred within the scope of commission  
508 employment, duties, or responsibilities; provided that nothing  
509 herein shall be construed to prohibit that person from retaining  
510 his or her own counsel; and provided further, that the actual or  
511 alleged act, error, or omission did not result from that person's  
512 intentional or willful or wanton misconduct.

513           3. The commission shall indemnify and hold harmless any  
514 member, officer, executive director, employee, or representative  
515 of the commission for the amount of any settlement or judgment  
516 obtained against that person arising out of any actual or alleged  
517 act, error or omission that occurred within the scope of  
518 commission employment, duties, or responsibilities, or that such  
519 person had a reasonable basis for believing occurred within the  
520 scope of commission employment, duties, or responsibilities,  
521 provided that the actual or alleged act, error, or omission did  
522 not result from the intentional or willful or wanton misconduct of  
523 that person.

524                                   **SECTION 11.**

525                                   **COORDINATED DATABASE**

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



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

- 535           1. Identifying information;
- 536           2. Licensure data;
- 537           3. Significant investigatory information;
- 538           4. Adverse actions against an individual's license;
- 539           5. An indicator that an individual's privilege to  
540 practice is restricted, suspended or revoked;
- 541           6. Non-confidential information related to alternative  
542 program participation;
- 543           7. Any denial of application for licensure, and the  
544 reason(s) for such denial; and
- 545           8. Other information that may facilitate the  
546 administration of this compact, as determined by the rules of the  
547 commission.

548           C. The coordinated database administrator shall promptly  
549 notify all member states of any adverse action taken against, or  
550 significant investigative information on, any individual in a  
551 member state.

552           D. Member states contributing information to the coordinated  
553 database may designate information that may not be shared with the  
554 public without the express permission of the contributing state.



555 E. Any information submitted to the coordinated database  
556 that is subsequently required to be expunged by the laws of the  
557 member state contributing the information shall be removed from  
558 the coordinated database.

559 **SECTION 12.**

560 **RULEMAKING**

561 A. The commission shall exercise its rulemaking powers  
562 pursuant to the criteria set forth in this section and the rules  
563 adopted thereunder. Rules and amendments shall become binding as  
564 of the date specified in each rule or amendment.

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

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

571 D. Prior to promulgation and adoption of a final rule or  
572 rules by the commission, and at least sixty (60) days in advance  
573 of the meeting at which the rule will be considered and voted  
574 upon, the commission shall file a Notice of Proposed Rulemaking:

- 575 1. On the website of the commission; and  
576 2. On the website of each member state EMS authority or  
577 the publication in which each state would otherwise publish  
578 proposed rules.

579 E. The Notice of Proposed Rulemaking shall include:





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

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

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

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

589           F. Prior to adoption of a proposed rule, the commission  
590 shall allow persons to submit written data, facts, opinions, and  
591 arguments, which shall be made available to the public.

592           G. The commission shall grant an opportunity for a public  
593 hearing before it adopts a rule or amendment if a hearing is  
594 requested by:

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

596           2. A governmental subdivision or agency; or

597           3. An association having at least twenty-five (25)  
598 members.

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

602           1. All persons wishing to be heard at the hearing shall  
603 notify the executive director of the commission or other  
604 designated member in writing of their desire to appear and testify



605 at the hearing not less than five (5) business days before the  
606 scheduled date of the hearing.

607           2. Hearings shall be conducted in a manner providing  
608 each person who wishes to comment a fair and reasonable  
609 opportunity to comment orally or in writing.

610           3. No transcript of the hearing is required, unless a  
611 written request for a transcript is made, in which case the person  
612 requesting the transcript shall bear the cost of producing the  
613 transcript. A recording may be made in lieu of a transcript under  
614 the same terms and conditions as a transcript. This subsection  
615 shall not preclude the commission from making a transcript or  
616 recording of the hearing if it so chooses.

617           4. Nothing in this section shall be construed as  
618 requiring a separate hearing on each rule. Rules may be grouped  
619 for the convenience of the commission at hearings required by this  
620 section.

621           I. Following the scheduled hearing date, or by the close of  
622 business on the scheduled hearing date if the hearing was not  
623 held, the commission shall consider all written and oral comments  
624 received.

625           J. The commission shall, by majority vote of all members,  
626 take final action on the proposed rule and shall determine the  
627 effective date of the rule, if any, based on the rulemaking record  
628 and the full text of the rule.



629 K. If no written notice of intent to attend the public  
630 hearing by interested parties is received, the commission may  
631 proceed with promulgation of the proposed rule without a public  
632 hearing.

633 L. Upon determination that an emergency exists, the  
634 commission may consider and adopt an emergency rule without prior  
635 notice, opportunity for comment, or hearing, provided that the  
636 usual rulemaking procedures provided in the compact and in this  
637 section shall be retroactively applied to the rule as soon as  
638 reasonably possible, in no event later than ninety (90) days after  
639 the effective date of the rule. For the purposes of this  
640 provision, an emergency rule is one that must be adopted  
641 immediately in order to:

- 642 1. Meet an imminent threat to public health, safety, or  
643 welfare;
- 644 2. Prevent a loss of commission or member state funds;
- 645 3. Meet a deadline for the promulgation of an  
646 administrative rule that is established by federal law or rule; or
- 647 4. Protect public health and safety.

648 M. The commission or an authorized committee of the  
649 commission may direct revisions to a previously adopted rule or  
650 amendment for purposes of correcting typographical errors, errors  
651 in format, errors in consistency, or grammatical errors. Public  
652 notice of any revisions shall be posted on the website of the  
653 commission. The revision shall be subject to challenge by any



654 person for a period of thirty (30) days after posting. The  
655 revision may be challenged only on grounds that the revision  
656 results in a material change to a rule. A challenge shall be made  
657 in writing, and delivered to the chair of the commission prior to  
658 the end of the notice period. If no challenge is made, the  
659 revision will take effect without further action. If the revision  
660 is challenged, the revision may not take effect without the  
661 approval of the commission.

662 **SECTION 13.**

663 **OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT**

664 A. Oversight.

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

671 2. All courts shall take judicial notice of the compact  
672 and the rules in any judicial or administrative proceeding in a  
673 member state pertaining to the subject matter of this compact  
674 which may affect the powers, responsibilities or actions of the  
675 commission.

676 3. The commission shall be entitled to receive service  
677 of process in any such proceeding, and shall have standing to  
678 intervene in such a proceeding for all purposes. Failure to



679 provide service of process to the commission shall render a  
680 judgment or order void as to the commission, this compact, or  
681 promulgated rules.

682 B. Default, Technical Assistance, and Termination.

683 1. If the commission determines that a member state has  
684 defaulted in the performance of its obligations or  
685 responsibilities under this compact or the promulgated rules, the  
686 commission shall:

687 a. Provide written notice to the defaulting state  
688 and other member states of the nature of the default, the proposed  
689 means of curing the default and/or any other action to be taken by  
690 the commission; and

691 b. Provide remedial training and specific  
692 technical assistance regarding the default.

693 2. If a state in default fails to cure the default, the  
694 defaulting state may be terminated from the compact upon an  
695 affirmative vote of a majority of the member states, and all  
696 rights, privileges and benefits conferred by this compact may be  
697 terminated on the effective date of termination. A cure of the  
698 default does not relieve the offending state of obligations or  
699 liabilities incurred during the period of default.

700 3. Termination of membership in the compact shall be  
701 imposed only after all other means of securing compliance have  
702 been exhausted. Notice of intent to suspend or terminate shall be  
703 given by the commission to the governor, the majority and minority



704 leaders of the defaulting state's legislature, and each of the  
705 member states.

706           4. A state that has been terminated is responsible for  
707 all assessments, obligations, and liabilities incurred through the  
708 effective date of termination, including obligations that extend  
709 beyond the effective date of termination.

710           5. The commission shall not bear any costs related to a  
711 state that is found to be in default or that has been terminated  
712 from the compact, unless agreed upon in writing between the  
713 commission and the defaulting state.

714           6. The defaulting state may appeal the action of the  
715 commission by petitioning the United States District Court for the  
716 District of Columbia or the federal district where the commission  
717 has its principal offices. The prevailing member shall be awarded  
718 all costs of such litigation, including reasonable attorney's  
719 fees.

720           C. Dispute Resolution.

721           1. Upon request by a member state, the commission shall  
722 attempt to resolve disputes related to the compact that arise  
723 among member states and between member and non-member states.

724           2. The commission shall promulgate a rule providing for  
725 both mediation and binding dispute resolution for disputes as  
726 appropriate.

727           D. Enforcement.



728           1. The commission, in the reasonable exercise of its  
729 discretion, shall enforce the provisions and rules of this  
730 compact.

731           2. By majority vote, the commission may initiate legal  
732 action in the United States District Court for the District of  
733 Columbia or the federal district where the commission has its  
734 principal offices against a member state in default to enforce  
735 compliance with the provisions of the compact and its promulgated  
736 rules and bylaws. The relief sought may include both injunctive  
737 relief and damages. In the event judicial enforcement is  
738 necessary, the prevailing member shall be awarded all costs of  
739 such litigation, including reasonable attorney's fees.

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

743                                       **SECTION 14.**

744                           **DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION**  
745                           **FOR EMS PERSONNEL PRACTICE AND ASSOCIATED**  
746                           **RULES, WITHDRAWAL, AND AMENDMENT**

747           A. The compact shall come into effect on the date on which  
748 the compact statute is enacted into law in the tenth member state.  
749 The provisions, which become effective at that time, shall be  
750 limited to the powers granted to the commission relating to  
751 assembly and the promulgation of rules. Thereafter, the



752 commission shall meet and exercise rulemaking powers necessary to  
753 the implementation and administration of the compact.

754 B. Any state that joins the compact subsequent to the  
755 commission's initial adoption of the rules shall be subject to the  
756 rules as they exist on the date on which the compact becomes law  
757 in that state. Any rule that has been previously adopted by the  
758 commission shall have the full force and effect of law on the day  
759 the compact becomes law in that state.

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

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

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

768 D. Nothing contained in this compact shall be construed to  
769 invalidate or prevent any EMS personnel licensure agreement or  
770 other cooperative arrangement between a member state and a  
771 non-member state that does not conflict with the provisions of  
772 this compact.

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





777                                   **SECTION 15.**

778                                   **CONSTRUCTION AND SEVERABILITY**

779           This compact shall be liberally construed so as to effectuate  
780 the purposes thereof. If this compact shall be held contrary to  
781 the constitution of any state member thereto, the compact shall  
782 remain in full force and effect as to the remaining member states.  
783 Nothing in this compact supersedes state law or rules related to  
784 licensure of EMS agencies.

785           **SECTION 2.** Section 41-59-3, Mississippi Code of 1972, is  
786 amended as follows:

787           41-59-3. As used in this chapter, unless the context  
788 otherwise requires, the term:

789                   (a) "Ambulance" means any privately or publicly owned  
790 land or air vehicle that is especially designed, constructed,  
791 modified or equipped to be used, maintained and operated upon the  
792 streets, highways or airways of this state to assist persons who  
793 are sick, injured, wounded, or otherwise incapacitated or  
794 helpless;

795                   (b) "Permit" means an authorization issued for an  
796 ambulance vehicle and/or a special use EMS vehicle as meeting the  
797 standards adopted under this chapter;

798                   (c) "License" means an authorization to any person,  
799 firm, corporation, or governmental division or agency to provide  
800 ambulance services in the State of Mississippi;



801 (d) "Emergency medical technician" means an individual  
802 who possesses a valid emergency medical technician's certificate  
803 issued under the provisions of this chapter or who has a privilege  
804 to practice;

805 (e) "Certificate" means official acknowledgment that an  
806 individual has successfully completed (i) the recommended basic  
807 emergency medical technician training course referred to in this  
808 chapter which entitles that individual to perform the functions  
809 and duties of an emergency medical technician, or (ii) the  
810 recommended medical first responder training course referred to in  
811 this chapter which entitles that individual to perform the  
812 functions and duties of a medical first responder;

813 (f) "Board" means the State Board of Health;

814 (g) "Department" means the State Department of Health,  
815 Division of Emergency Medical Services;

816 (h) "Executive officer" means the Executive Officer of  
817 the State Board of Health, or his designated representative;

818 (i) "First responder" means a person who uses a limited  
819 amount of equipment to perform the initial assessment of and  
820 intervention with sick, wounded or otherwise incapacitated  
821 persons;

822 (j) "Medical first responder" means a person who uses a  
823 limited amount of equipment to perform the initial assessment of  
824 and intervention with sick, wounded or otherwise incapacitated  
825 persons who (i) is trained to assist other EMS personnel by



826 successfully completing, and remaining current in refresher  
827 training in accordance with, an approved "First Responder:  
828 National Standard Curriculum" training program, as developed and  
829 promulgated by the United States Department of Transportation;  
830 (ii) is nationally registered as a first responder by the National  
831 Registry of Emergency Medical Technicians; and (iii) is certified  
832 as a medical first responder by the State Department of Health,  
833 Division of Emergency Medical Services;

834 (k) "Invalid vehicle" means any privately or publicly  
835 owned land or air vehicle that is maintained, operated and used  
836 only to transport persons routinely who are convalescent or  
837 otherwise nonambulatory and do not require the service of an  
838 emergency medical technician while in transit;

839 (l) "Special use EMS vehicle" means any privately or  
840 publicly owned land, water or air emergency vehicle used to  
841 support the provision of emergency medical services. These  
842 vehicles shall not be used routinely to transport patients;

843 (m) "Trauma care system" or "trauma system" means a  
844 formally organized arrangement of health care resources that has  
845 been designated by the department by which major trauma victims  
846 are triaged, transported to and treated at trauma care facilities;

847 (n) "Trauma care facility" or "trauma center" means a  
848 hospital located in the State of Mississippi or a Level I trauma  
849 care facility or center located in a state contiguous to the State  
850 of Mississippi that has been designated by the department to



851 perform specified trauma care services within a trauma care system  
852 pursuant to standards adopted by the department;

853 (o) "Trauma registry" means a collection of data on  
854 patients who receive hospital care for certain types of injuries.  
855 Such data are primarily designed to ensure quality trauma care and  
856 outcomes in individual institutions and trauma systems, but have  
857 the secondary purpose of providing useful data for the  
858 surveillance of injury morbidity and mortality;

859 (p) "Emergency medical condition" means a medical  
860 condition manifesting itself by acute symptoms of sufficient  
861 severity, including severe pain, psychiatric disturbances and/or  
862 symptoms of substance abuse, such that a prudent layperson who  
863 possesses an average knowledge of health and medicine could  
864 reasonably expect the absence of immediate medical attention to  
865 result in placing the health of the individual (or, with respect  
866 to a pregnant woman, the health of the woman or her unborn child)  
867 in serious jeopardy, serious impairment to bodily functions, or  
868 serious dysfunction of any bodily organ or part;

869 (q) "Emergency medical call" means a situation that is  
870 presumptively classified at time of dispatch to have a high index  
871 of probability that an emergency medical condition or other  
872 situation exists that requires medical intervention as soon as  
873 possible to reduce the seriousness of the situation, or when the  
874 exact circumstances are unknown, but the nature of the request is  
875 suggestive of a true emergency where a patient may be at risk;



876 (r) "Emergency response" means responding immediately  
877 at the basic life support or advanced life support level of  
878 service to an emergency medical call. An immediate response is  
879 one in which the ambulance supplier begins as quickly as possible  
880 to take the steps necessary to respond to the call;

881 (s) "Emergency mode" means an ambulance or special use  
882 EMS vehicle operating with emergency lights and warning siren (or  
883 warning siren and air horn) while engaged in an emergency medical  
884 call \* \* \*;

885 (t) "Privilege to practice" means the authorization to  
886 practice as an emergency medical technician in this state under  
887 the Recognition of Emergency Medical Services Personnel Licensure  
888 Interstate Compact provided for in Section 1 of this act.

889 **SECTION 3.** Section 41-59-29, Mississippi Code of 1972, is  
890 amended as follows:

891 41-59-29. \* \* \* Every ambulance, except those specifically  
892 excluded from the provisions of this chapter, when transporting  
893 patients in this state, shall be occupied by at least one (1)  
894 person who possesses a valid emergency medical technician state  
895 certificate or has a privilege to practice or possesses a valid  
896 medical/nursing license, and a driver with a valid resident  
897 driver's license.

898 **SECTION 4.** Section 41-59-33, Mississippi Code of 1972, is  
899 amended as follows:



900           41-59-33. (1) Any person desiring certification as an  
901 emergency medical technician shall apply to the board using forms  
902 prescribed by the board. Each application for an emergency  
903 medical technician certificate shall be accompanied by a  
904 certificate fee to be fixed by the board, which shall be paid to  
905 the board. Any increase in the fee charged by the board under  
906 this section shall be in accordance with the provisions of Section  
907 41-3-65. Upon the successful completion of the board's approved  
908 emergency medical technical training program, the board shall make  
909 a determination of the applicant's qualifications as an emergency  
910 medical technician as set forth in the regulations promulgated by  
911 the board, and shall issue an emergency medical technician  
912 certificate to the applicant.

913           (2) Any person who desires to exercise the privilege to  
914 practice under the Recognition of Emergency Medical Services  
915 Personnel Licensure Interstate Compact must complete the terms and  
916 provisions of the compact as prescribed in Section 1 of this act.

917           **SECTION 5.** Section 41-59-35, Mississippi Code of 1972, is  
918 amended as follows:

919           41-59-35. (1) An emergency medical technician certificate  
920 so issued shall be valid for a period not exceeding two (2) years  
921 from the date of issuance and may be renewed upon payment of a  
922 renewal fee to be fixed by the board, which shall be paid to the  
923 board, provided that the holder meets the qualifications set forth  
924 in this Chapter 59 and Chapter 60 and rules and regulations



925 promulgated by the board. Any increase in the fee charged by the  
926 board under this subsection shall be in accordance with the  
927 provisions of Section 41-3-65.

928 (2) The board is authorized to suspend or revoke a  
929 certificate so issued, or suspend or revoke a privilege to  
930 practice, at any time it is determined that the holder no longer  
931 meets the prescribed qualifications.

932 (3) It shall be unlawful for any person, corporation or  
933 association to, in any manner, represent himself or itself as an  
934 Emergency Medical Technician-Basic, Emergency Medical  
935 Technician-Intermediate, Emergency Medical Technician-Paramedic,  
936 Emergency Medical Technician-Paramedic Critical Care, or Emergency  
937 Medical Services Driver, or use in connection with his or its name  
938 the words or letters of EMT, emt, paramedic, critical care  
939 paramedic, or any other letters, words, abbreviations or insignia  
940 which would indicate or imply that he or it is an Emergency  
941 Medical Technician-Basic, Emergency Medical  
942 Technician-Intermediate, Emergency Medical Technician-Paramedic,  
943 Emergency Medical Technician-Paramedic Critical Care, or Emergency  
944 Medical Services Driver, unless certified in accordance with  
945 Chapters 59 and 60 of this title and in accordance with the rules  
946 and regulations promulgated by the board, or having a privilege to  
947 practice. It shall be unlawful to employ an uncertified Emergency  
948 Medical Technician-Basic, Emergency Medical  
949 Technician-Intermediate, Emergency Medical Technician-Paramedic,



950 or Emergency Medical Technician-Paramedic Critical Care, or a  
951 person who does not have a privilege to practice, to provide basic  
952 or advanced life-support services.

953 (4) Any Emergency Medical Technician-Basic, Emergency  
954 Medical Technician-Intermediate, Emergency Medical  
955 Technician-Paramedic, Emergency Medical Technician-Paramedic  
956 Critical Care, or Emergency Medical Services Driver who violates  
957 or fails to comply with these statutes or the rules and  
958 regulations promulgated by the board hereunder shall be subject,  
959 after due notice and hearing, to an administrative fine not to  
960 exceed One Thousand Dollars (\$1,000.00).

961 **SECTION 6.** This act shall take effect and be in force from  
962 and after July 1, 2017.

