

ASSEMBLY, No. 1100

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Enters New Jersey into Emergency Medical Services Personnel Licensure Interstate Compact.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning emergency medical services and supplementing
2 Title 26 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The State of New Jersey enacts and enters into the
8 Recognition of Emergency Medical Services Personnel Licensure
9 Interstate Compact (REPLICA) with all other jurisdictions that
10 legally join in the compact in the form substantially as follows:

11

12 I. Purpose. In order to protect the public through the
13 verification of competency and ensure accountability for patient
14 care-related activities, all states license emergency medical services
15 (EMS) personnel, such as emergency medical technicians (EMTs),
16 advanced EMTs, and paramedics. This compact is intended to
17 facilitate the day-to-day movement of EMS personnel across state
18 boundaries in the performance of their EMS duties as assigned by
19 an appropriate authority, and authorize state EMS offices to afford
20 immediate legal recognition to EMS personnel licensed in a
21 member state. This compact recognizes that states have a vested
22 interest in protecting the public's health and safety through their
23 licensing and regulation of EMS personnel, and that such state
24 regulation shared among the member states will best protect public
25 health and safety. This compact is designed to achieve the
26 following purposes and objectives:

27 (a) Increase public access to EMS personnel;

28 (b) Enhance the states' ability to protect the public's health and
29 safety, especially patient safety;

30 (c) Encourage the cooperation of member states in the areas of
31 EMS personnel licensure and regulation;

32 (d) Support the licensing of military members who are
33 separating from an active duty tour, and their spouses;

34 (e) Facilitate the exchange of information between member
35 states regarding EMS personnel licensure, adverse action, and
36 significant investigatory information;

37 (f) Promote compliance with the laws governing EMS
38 personnel practice in each member state; and

39 (g) Invest all member states with the authority to hold EMS
40 personnel accountable through the mutual recognition of member
41 state licenses.

42

43 II. Definitions. In this compact:

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

- 1 (b) “Adverse action” means any administrative, civil, equitable,
2 or criminal action permitted by a state’s laws, which may be
3 imposed against licensed EMS personnel by a state EMS authority
4 or state court, including, but not limited to, actions against an
5 individual’s license such as revocation, suspension, probation,
6 consent agreement, monitoring, or other limitation or encumbrance
7 on the individual’s practice, letters of reprimand or admonition,
8 fines, criminal convictions, and state court judgments enforcing
9 adverse actions by the state EMS authority.
- 10 (c) “Alternative program” means a voluntary, nondisciplinary
11 substance abuse recovery program approved by a state EMS
12 authority.
- 13 (d) “Certification” means the successful verification of entry-
14 level cognitive and psychomotor competency using a reliable,
15 validated, and legally defensible examination.
- 16 (e) “Commission” means the national administrative body of
17 which all states that have enacted the compact are members.
- 18 (f) “Emergency medical technician (EMT)” means an individual
19 licensed with cognitive knowledge and a scope of practice that
20 corresponds to that level in the National EMS Education Standards
21 and National EMS Scope of Practice Model.
- 22 (g) “Home state” means a member state where an individual is
23 licensed to practice emergency medical services.
- 24 (h) “License” means the authorization by a state for an
25 individual to practice as an EMT, AEMT, paramedic, or a level in
26 between EMT and paramedic.
- 27 (i) “Medical director” means a physician licensed in a member
28 state who is accountable for the care delivered by EMS personnel.
- 29 (j) “Member state” means a state that has enacted this compact.
- 30 (k) “Privilege to practice” means an individual’s authority to
31 deliver emergency medical services in remote states, as authorized
32 under this compact.
- 33 (l) “Paramedic” means an individual licensed with cognitive
34 knowledge and a scope of practice that corresponds to that level in
35 the National EMS Education Standards and National EMS Scope of
36 Practice Model.
- 37 (m) “Remote state” means a member state in which an
38 individual is not licensed.
- 39 (n) “Restricted” means the outcome of an adverse action that
40 limits a license or the privilege to practice.
- 41 (o) “Rule” means a written statement by the interstate
42 commission, which is promulgated pursuant to paragraph XII of this
43 compact; which is of general applicability; implements, interprets,
44 or prescribes a policy or provision of the compact; or is an
45 organizational, procedural, or practice requirement of the
46 commission, and which has the force and effect of statutory law in a
47 member state. “Rule” and includes the amendment, repeal, or
48 suspension of an existing rule.

1 (p) “Scope of practice” means defined parameters of various
2 duties or services that may be provided by an individual with
3 specific credentials, and which, whether regulated by rule, statute,
4 or court decision, tends to represent the limits of services an
5 individual may perform.

6 (q) “Significant investigatory information” means:

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

12 (2) Investigative information that indicates that the individual
13 represents an immediate threat to public health and safety,
14 regardless of whether the individual has been notified and has had
15 an opportunity to respond.

16 (r) “State” means any state, commonwealth, district, or territory
17 of the United States.

18 (s) “State EMS authority” means the board, office, or other
19 agency with the legislative mandate to license EMS personnel.
20

21 III. Home State Licensure.

22 (a) Any member state in which an individual holds a current
23 license shall be deemed to be a home state for purposes of this
24 compact.

25 (b) Any member state may require an individual to obtain and
26 retain a license in order to be authorized to practice in the member
27 state under circumstances not authorized by the privilege to practice
28 under the terms of this compact.

29 (c) A home state’s license authorizes an individual to practice in
30 a remote state under the privilege to practice, only if the home state:

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

35 (2) Has a mechanism in place for receiving and investigating
36 complaints about individuals;

37 (3) Notifies the commission, in compliance with the terms
38 herein, of any adverse action or significant investigatory
39 information regarding an individual;

40 (4) No later than 5 years after activation of the compact,
41 requires a criminal background check of all applicants for initial
42 licensure, including the use of the results of fingerprint or other
43 biometric data checks compliant with the requirements of the
44 Federal Bureau of Investigation, with the exception of federal
45 employees who have a suitability determination in accordance with
46 5 C.F.R. s.731.202, and who submit documentation of such, as
47 promulgated in the rules of the commission; and

48 (5) Complies with the rules of the commission.

1 IV. Compact Privilege To Practice.

2 (a) Member states shall recognize the privilege to practice of an
3 individual licensed in another member state that is in conformance
4 with Article III.

5 (b) To exercise the privilege to practice under the terms and
6 provisions of this compact, an individual must:

7 (1) Be at least 18 years of age;

8 (2) Possess a current unrestricted license in a member state as an
9 EMT, AEMT, paramedic, or state recognized and licensed level
10 with a scope of practice and authority between EMT and paramedic;
11 and

12 (3) Practice under the supervision of a medical director.

13 (c) An individual providing patient care in a remote state under
14 the privilege to practice shall function within the scope of practice
15 authorized by the home state, unless and until modified by an
16 appropriate authority in the remote state as may be defined in the
17 rules of the commission.

18 (d) Except as provided in subparagraph (c) of this Article, an
19 individual practicing in a remote state will be subject to the remote
20 state's authority and laws. A remote state may, in accordance with
21 due process and that state's laws, restrict, suspend, or revoke an
22 individual's privilege to practice in the remote state, and may take
23 any other necessary actions to protect the health and safety of its
24 citizens. If a remote state takes action, it shall promptly notify the
25 home state and the commission.

26 (e) If an individual's license in any home state is restricted or
27 suspended, the individual shall not be eligible to practice in a
28 remote state under the privilege to practice until the individual's
29 home state license is restored.

30 (f) If an individual's privilege to practice in any remote state is
31 restricted, suspended, or revoked, the individual shall not be
32 eligible to practice in any remote state until the individual's
33 privilege to practice is restored.
34

35 V. Conditions of Practice in a Remote State. An individual
36 may practice in a remote state under a privilege to practice only in
37 the performance of the individual's EMS duties as assigned by an
38 appropriate authority, as defined in the rules of the commission, and
39 under the following circumstances:

40 (a) The individual originates a patient transport in a home state
41 and transports the patient to a remote state;

42 (b) The individual originates in the home state and enters a
43 remote state to pick up a patient and provide care and transport of
44 the patient to the home state;

45 (c) The individual enters a remote state to provide patient care
46 and/or transport within that remote state;

47 (d) The individual enters a remote state to pick up a patient and
48 provide care and transport to a third member state; and

1 (e) Other conditions as determined by rules promulgated by the
2 commission.

3
4 VI. Relationship to Emergency Management Assistance
5 Compact. Upon a member state's governor's declaration of a state
6 of emergency or disaster that activates the Emergency Management
7 Assistance Compact (EMAC), all relevant terms and provisions of
8 EMAC shall apply. To the extent any terms or provisions of this
9 compact conflict with the EMAC, the terms of the EMAC shall
10 prevail with respect to any individual practicing in the remote state
11 in response to the declaration.

12
13 VII. Veterans, Service Members Separating From Active Duty
14 Military, and Their Spouses.

15 (a) Member states shall consider a veteran, active military
16 service member, and member of the National Guard and Reserves
17 separating from an active duty tour, and a spouse thereof, who holds
18 a current valid and unrestricted NREMT certification at or above
19 the level of the state license being sought as satisfying the minimum
20 training and examination requirements for such licensure.

21 (b) Member states shall expedite the processing of licensure
22 applications submitted by veterans, active military service
23 members, and members of the National Guard and Reserves
24 separating from an active duty tour, and their spouses.

25 (c) All individuals functioning with a privilege to practice under
26 this paragraph shall remain subject to the adverse actions provisions
27 of Article VIII.

28
29 VIII. Adverse Actions.

30 (a) A home state shall have exclusive power to impose adverse
31 action against an individual's license issued by the home state.

32 (b) If an individual's license in any home state is restricted or
33 suspended, the individual shall not be eligible to practice in a
34 remote state under the privilege to practice until the individual's
35 home state license is restored.

36 (1) All home state adverse action orders shall include a
37 statement that the individual's compact privileges are inactive. The
38 order may allow the individual to practice in remote states with
39 prior written authorization from both the home state's and the
40 remote state's EMS authority.

41 (2) An individual currently subject to adverse action in the home
42 state shall not practice in any remote state without prior written
43 authorization from both the home state's and the remote state's
44 EMS authority.

45 (c) A member state shall report adverse actions and any
46 occurrences causing the individual's compact privileges to be
47 restricted, suspended, or revoked to the commission in accordance
48 with the rules of the commission.

1 (d) A remote state may take adverse action on an individual's
2 privilege to practice within that state.

3 (e) Any member state may take adverse action against an
4 individual's privilege to practice in that state based on the factual
5 findings of another member state, so long as each state follows its
6 own procedures for imposing such adverse action.

7 (f) A home state's EMS authority shall investigate and take
8 appropriate action, with respect to reported conduct in a remote
9 state, to the same extent as it would if such conduct had occurred
10 within the home state. In such cases, the home state's law shall
11 control in determining the appropriate adverse action.

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

20

21 IX. Additional Powers Invested in a Member State's EMS
22 Authority. A member state's EMS authority, in addition to any
23 other powers granted under state law, is authorized under this
24 compact to:

25 (a) Issue subpoenas for both hearings and investigations that
26 require the attendance and testimony of witnesses and the
27 production of evidence. Subpoenas issued by a member state's
28 EMS authority for the attendance and testimony of witnesses, or for
29 the production of evidence from another member state, or both shall
30 be enforced in the remote state by any court of competent
31 jurisdiction, according to that court's practice and procedure in
32 considering subpoenas issued in its own proceedings. The issuing
33 state EMS authority shall pay any witness fees, travel expenses,
34 mileage, and other fees required by the service statutes of the state
35 where the witnesses, evidence, or both are located; and

36 (b) Issue cease and desist orders to restrict, suspend, or revoke
37 an individual's privilege to practice in the state.

38

39 X. Establishment of the Interstate Commission for EMS
40 Personnel Practice.

41 (a) The compact states hereby create and establish a joint public
42 agency known as the Interstate Commission for EMS Personnel
43 Practice.

44 (1) The commission is a body politic and an instrumentality of
45 the compact states.

46 (2) Venue is proper, and judicial proceedings by or against the
47 commission shall be brought solely and exclusively, in a court of

1 competent jurisdiction where the principal office of the commission
2 is located. The commission may waive venue and jurisdictional
3 defenses to the extent it adopts or consents to participate in
4 alternative dispute resolution proceedings.

5 (3) Nothing in this compact shall be construed to be a waiver of
6 sovereign immunity.

7 (b) Membership, Voting, and Meetings.

8 (1) Each member state shall have and be limited to one delegate.
9 The responsible official of the state EMS authority, or his or her
10 designee, shall be the delegate to this compact for each member
11 state. Any delegate may be removed or suspended from office as
12 provided by the law of the state from which the delegate is
13 appointed. Any vacancy occurring in the commission shall be filled
14 in accordance with the laws of the member state in which the
15 vacancy exists.

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

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

26 (4) All meetings shall be open to the public, and public notice of
27 meetings shall be given in the same manner as required under the
28 rulemaking provisions in paragraph XII.

29 (5) The commission may convene in a closed, nonpublic
30 meeting, if the commission must discuss:

31 (A) the noncompliance of a member state with its obligations
32 under the compact;

33 (B) the employment, compensation, discipline or other personnel
34 matters, practices or procedures related to specific employees or
35 other matters related to the commission's internal personnel
36 practices and procedures;

37 (C) the current, threatened, or reasonably anticipated litigation;

38 (D) the negotiation of contracts for the purchase or sale of
39 goods, services, or real estate;

40 (E) accusing any person of a crime or formally censuring any
41 person;

42 (F) the disclosure of trade secrets or commercial or financial
43 information that is privileged or confidential;

44 (G) the disclosure of information of a personal nature where
45 disclosure would constitute a clearly unwarranted invasion of
46 personal privacy;

47 (H) the disclosure of investigatory records compiled for law
48 enforcement purposes;

1 (I) the disclosure of information related to any investigatory
2 reports prepared by, or on behalf or for use of, the commission or
3 other committee charged with responsibility of investigation or
4 determination of compliance issues pursuant to the compact; or

5 (J) matters specifically exempted from disclosure by a federal
6 or member state statute.

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

19 (c) The commission shall, by a majority vote of the delegates,
20 prescribe bylaws or, or both, rules to govern its conduct as may be
21 necessary or appropriate to carry out the purposes and exercise the
22 powers of the compact, including but not limited to:

23 (1) establishing the fiscal year of the commission.

24 (2) providing reasonable standards and procedures:

25 (A) for the establishment and meetings of other committees; and

26 (B) governing any general or specific delegation of any authority
27 or function of the commission.

28 (3) providing reasonable procedures for calling and conducting
29 meetings of the commission, ensuring reasonable advance notice of
30 all meetings, and providing an opportunity for attendance of such
31 meetings by interested parties, with enumerated exceptions
32 designed to protect the public's interest, the privacy of individuals,
33 and proprietary information, including trade secrets. The
34 commission may meet in closed session only after a majority of the
35 membership votes to close a meeting in whole or in part. As soon
36 as practicable, the commission must make public a copy of the vote
37 to close the meeting revealing the vote of each member with no
38 proxy votes allowed.

39 (4) establishing the titles, duties, and authority, and reasonable
40 procedures for the election of the officers of the commission.

41 (5) providing reasonable standards and procedures for the
42 establishment of the personnel policies and programs of the
43 commission. Notwithstanding any civil service or other similar
44 laws of any member state, the bylaws shall exclusively govern the
45 personnel policies and programs of the commission.

46 (6) promulgating a code of ethics to address permissible and
47 prohibited activities of commission members and employees.

- 1 (7) providing a mechanism for winding up the operations of the
- 2 commission and the equitable disposition of any surplus funds that
- 3 may exist after the termination of the compact after the payment
- 4 and/or reserving of all of its debts and obligations.
- 5 (8) publishing its bylaws and filing a copy thereof, and a copy
- 6 of any amendment thereto, with the appropriate agency or officer in
- 7 each of the member states, if any.
- 8 (9) maintaining its financial records in accordance with the
- 9 bylaws.
- 10 (10) meeting and taking actions that are consistent with the
- 11 provisions of this compact and the bylaws.
- 12 (d) The commission shall have the following powers:
- 13 (1) the authority to promulgate uniform rules to facilitate and
- 14 coordinate implementation and administration of this compact. The
- 15 rules shall have the force and effect of law and shall be binding in
- 16 the member states;
- 17 (2) to bring and prosecute legal proceedings or actions in the
- 18 name of the commission; provided that the standing of any state
- 19 EMS authority or other regulatory body responsible for EMS
- 20 personnel licensure to sue or be sued under applicable law shall not
- 21 be affected;
- 22 (3) to purchase and maintain insurance and bonds;
- 23 (4) to borrow, accept, or contract for services of personnel,
- 24 including, but not limited to, employees of a member state;
- 25 (5) to hire employees, elect or appoint officers, fix
- 26 compensation, define duties, grant such individuals appropriate
- 27 authority to carry out the purposes of the compact, and establish the
- 28 commission's personnel policies and programs relating to conflicts
- 29 of interest, qualifications of personnel, and other related personnel
- 30 matters;
- 31 (6) to accept, receive, utilize, and dispose of any and all
- 32 appropriate donations and grants of money, equipment, supplies,
- 33 materials, and services; provided that, at all times, the commission
- 34 shall strive to avoid any appearance of impropriety or conflict of
- 35 interest;
- 36 (7) to lease, purchase, accept appropriate gifts or donations of,
- 37 or otherwise to own, hold, improve, or use any property, real,
- 38 personal, or mixed; provided that at all times the commission shall
- 39 strive to avoid any appearance of impropriety;
- 40 (8) to sell, convey, mortgage, pledge, lease, exchange, abandon,
- 41 or otherwise dispose of any real, personal, or mixed property;
- 42 (9) to establish a budget and make expenditures;
- 43 (10) to borrow money;
- 44 (11) to appoint committees, including advisory committees
- 45 composed of members, state regulators, state legislators or their
- 46 representatives, and consumer representatives, and such other
- 47 interested persons as may be designated in this compact and the
- 48 bylaws;

- 1 (12) to provide and receive information from, and to cooperate
2 with, law enforcement agencies;
- 3 (13) to adopt and use an official seal; and
- 4 (14) to perform such other functions as may be necessary or
5 appropriate to achieve the purposes of this compact, consistent with
6 the state regulation of EMS personnel licensure and practice.
- 7 (e) Financing of the Commission.
- 8 (1) The commission shall pay, or provide for the payment of, the
9 reasonable expenses associated with its establishment, organization,
10 and ongoing activities.
- 11 (2) The commission may accept any and all appropriate revenue
12 sources, donations, and grants of money, equipment, supplies,
13 materials, and services.
- 14 (3) The commission may levy on, and collect an annual
15 assessment from, each member state, or impose fees on other parties
16 to cover the cost of the operations and activities of the commission
17 and its staff, and the levy shall be in a total amount sufficient to
18 cover its annual budget, as approved each year, for which revenue is
19 not provided by other sources. The aggregate annual assessment
20 amount shall be allocated based upon a formula to be determined by
21 the commission, which shall promulgate a rule that is binding upon
22 all member states.
- 23 (4) The commission shall not incur obligations of any kind prior
24 to securing the funds adequate to meet the same; nor shall the
25 commission pledge the credit of any of the member states, except
26 by and with the authority of the member state.
- 27 (5) The commission shall keep accurate accounts of all receipts
28 and disbursements. The receipts and disbursements of the
29 commission shall be subject to the audit and accounting procedures
30 established under its bylaws. However, all receipts and
31 disbursements of funds handled by the commission shall be audited
32 yearly by a certified or licensed public accountant, and the report of
33 the audit shall be included in, and shall become part of, the annual
34 report of the commission.
- 35 (f) Qualified Immunity, Defense, and Indemnification.
- 36 (1) The members, officers, executive director, employees, and
37 representatives of the commission shall be immune from suit and
38 liability, in their official capacity, for any claim for damage to or
39 loss of property, or for personal injury, or other civil liability
40 caused by or arising out of any actual or alleged act, error, or
41 omission that occurred, or that the person against whom the claim is
42 made had a reasonable basis for believing occurred within the scope
43 of commission employment, duties, or responsibilities; provided
44 that nothing in this paragraph shall be construed to protect any such
45 person from suit or liability for any damage, loss, injury, or liability
46 caused by the negligence of that person.
- 47 (2) The commission shall defend any member, officer, executive
48 director, employee, or representative of the commission in any civil

1 action seeking to impose liability arising out of any actual or
2 alleged act, error, or omission that occurred within the scope of
3 commission employment, duties, or responsibilities, or that the
4 person against whom the claim is made had a reasonable basis for
5 believing occurred within the scope of commission employment,
6 duties, or responsibilities; provided that nothing herein shall be
7 construed to prohibit that person from retaining his or her own
8 counsel; and provided further, that the actual or alleged act, error,
9 or omission did not result from that person's negligence.

10 (3) The commission shall indemnify and hold harmless any
11 member, officer, executive director, employee, or representative of
12 the commission for the amount of any settlement or judgment
13 obtained against that person arising out of any actual or alleged act,
14 error, or omission that occurred within the scope of commission
15 employment, duties, or responsibilities, or that such person had a
16 reasonable basis for believing occurred within the scope of
17 commission employment, duties, or responsibilities; provided that
18 the actual or alleged act, error, or omission did not result from the
19 negligence of that person.

20

21 XI. Coordinated Database.

22 (a) The commission shall provide for the development and
23 maintenance of a coordinated database and reporting system that
24 contains licensure, adverse action, and significant investigatory
25 information on all licensed individuals in member states.

26 (b) Notwithstanding any other provision of state law to the
27 contrary, a member state shall submit a uniform data set to the
28 coordinated database on all individuals to whom this compact is
29 applicable, as required by the rules of the commission, including:

30 (1) identifying information;

31 (2) licensure data;

32 (3) significant investigatory information;

33 (4) adverse actions against an individual's license;

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

36 (6) nonconfidential information related to alternative program
37 participation;

38 (7) any denial of an application for licensure, and the reasons
39 for such denial; and

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

42 (c) The coordinated database administrator shall promptly notify
43 all member states of any adverse action taken against, or significant
44 investigative information on, any individual in a member state.

45 (d) Member states contributing information to the coordinated
46 database may designate information that may not be shared with the
47 public without the express permission of the contributing state.

1 (e) Any information submitted to the coordinated database that
2 is subsequently required to be expunged by the laws of the member
3 state contributing the information shall be removed from the
4 coordinated database.

5

6 XII. Rulemaking.

7 (a) The commission shall exercise its rulemaking powers
8 pursuant to the criteria set forth in this section and the rules adopted
9 thereunder. Rules and amendments shall become binding as of the
10 date specified in each rule or amendment.

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

15 (c) Rules or amendments to the rules shall be adopted at a
16 regular or special meeting of the commission.

17 (d) Prior to promulgation and adoption of a final rule or rules by
18 the commission, and at least 60 days in advance of the meeting at
19 which the rule will be considered and voted upon, the commission
20 shall file a notice of proposed rulemaking:

21 (1) on the website of the commission; and

22 (2) on the website of each member state EMS authority or the
23 publication in which each state would otherwise publish proposed
24 rules.

25 (e) The notice of proposed rulemaking shall include:

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

28 (2) The text of the proposed rule or amendment, and the reason
29 for the proposed rule;

30 (3) A request for comments on the proposed rule from any
31 interested person; and

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

35 (f) Prior to adoption of a proposed rule, the commission shall
36 allow persons to submit written data, facts, opinions, and
37 arguments, which shall be made available to the public.

38 (g) The commission shall grant an opportunity for a public
39 hearing before it adopts a rule or amendment, if a hearing is
40 requested by:

41 (1) at least 25 persons;

42 (2) a governmental subdivision or agency; or

43 (3) an association having at least 25 members.

44 (h) If a hearing is held on the proposed rule or amendment, the
45 commission shall publish the place, time, and date of the scheduled
46 public hearing.

47 (1) All persons wishing to be heard at the hearing shall notify
48 the executive director of the commission or other designated

1 member in writing of their desire to appear and testify at the hearing
2 not less than five business days before the scheduled date of the
3 hearing.

4 (2) Hearings shall be conducted in a manner that provides each
5 person who wishes to comment a fair and reasonable opportunity to
6 comment orally or in writing.

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

14 (4) Nothing in this section shall be construed as requiring a
15 separate hearing on each rule. Rules may be grouped for the
16 convenience of the commission at hearings required by this section.

17 (i) Following the scheduled hearing date, or by the close of
18 business on the scheduled hearing date if the hearing was not held,
19 the commission shall consider all written and oral comments
20 received.

21 (j) The commission shall, by majority vote of all members, take
22 final action on the proposed rule and shall determine the effective
23 date of the rule, if any, based on the rulemaking record and the full
24 text of the rule.

25 (k) If no written notice of intent to attend the public hearing by
26 interested parties is received, the commission may proceed with
27 promulgation of the proposed rule without a public hearing.

28 (l) Upon determination that an emergency exists, the
29 commission may consider and adopt an emergency rule without
30 prior notice, opportunity for comment, or hearing, provided that the
31 usual rulemaking procedures provided in the compact and in this
32 section shall be retroactively applied to the rule as soon as
33 reasonably possible, and in no event later than 90 days after the
34 effective date of the rule. For the purposes of this provision, an
35 emergency rule is one that must be adopted immediately, in order
36 to:

- 37 (1) meet an imminent threat to public health, safety, or welfare;
38 (2) prevent a loss of commission or member state funds;
39 (3) meet a deadline for the promulgation of an administrative
40 rule that is established by federal law or rule; or
41 (4) protect public health and safety.

42 (m) The commission or an authorized committee of the
43 commission may direct revisions to a previously adopted rule or
44 amendment for purposes of correcting typographical errors, errors
45 in format, errors in consistency, or grammatical errors. Public
46 notice of any revisions shall be posted on the website of the
47 commission. The revision shall be subject to challenge by any

1 person for a period of 30 days after posting. The revision may be
2 challenged only on grounds that the revision results in a material
3 change to a rule. A challenge shall be made in writing, and
4 delivered to the chair of the commission prior to the end of the
5 notice period. If no challenge is made, the revision will take effect
6 without further action. If the revision is challenged, the revision
7 may not take effect without the approval of the commission.

8
9 XIII. Oversight, Dispute Resolution, and Enforcement.

10 (a) Oversight.

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

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

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

26 (b) Default, Technical Assistance, and Termination.

27 (1) If the commission determines that a member state has
28 defaulted in the performance of its obligations or responsibilities
29 under this compact or the promulgated rules, the commission shall:

30 (A) provide written notice to the defaulting state and other
31 member states of the nature of the default, the proposed means of
32 curing the default, and any other action to be taken by the
33 commission; and

34 (B) provide remedial training and specific technical assistance
35 regarding the default.

36 (2) If a state in default fails to cure the default, the defaulting
37 state may be terminated from the compact upon an affirmative vote
38 of a majority of the member states, and all rights, privileges, and
39 benefits conferred by this compact may be terminated on the
40 effective date of termination. A cure of the default does not relieve
41 the offending state of obligations or liabilities incurred during the
42 period of default.

43 (3) Termination of membership in the compact shall be imposed
44 only after all other means of securing compliance have been
45 exhausted. Notice of intent to suspend or terminate shall be given
46 by the commission to the governor, the majority and minority
47 leaders of the defaulting state's legislature, and each of the member
48 states.

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

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

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

14 (c) Dispute Resolution.

15 (1) Upon request by a member state, the commission shall
16 attempt to resolve disputes related to the compact that arise among
17 member states and between member and non-member states.

18 (2) The commission shall promulgate a rule providing for both
19 mediation and binding dispute resolution for disputes, as
20 appropriate.

21 (d) Enforcement.

22 (1) The commission, in the reasonable exercise of its discretion,
23 shall enforce the provisions and rules of this compact.

24 (2) By majority vote, the commission may initiate legal action
25 in the United States District Court for the District of Columbia or
26 the federal district where the commission has its principal offices
27 against a member state in default, in order to enforce compliance
28 with the provisions of the compact and its promulgated rules and
29 bylaws. The relief sought may include both injunctive relief and
30 damages. In the event judicial enforcement is necessary, the
31 prevailing member state shall be awarded all costs of such
32 litigation, including reasonable attorney's fees.

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

36

37 XIV. Date of Implementation of the Interstate Commission for
38 EMS Personnel Practice and Associated Rules, Withdrawal, and
39 Amendment.

40 (a) The compact shall come into effect on the date on which the
41 compact statute is enacted into law in the tenth member state. The
42 provisions, which become effective at that time, shall be limited to
43 the powers granted to the commission relating to assembly and the
44 promulgation of rules. Thereafter, the commission shall meet and
45 exercise rulemaking powers necessary to the implementation and
46 administration of the compact.

47 (b) Any state that joins the compact subsequent to the
48 commission's initial adoption of the rules shall be subject to the

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

5 (c) Any member state may withdraw from this compact by
6 enacting a statute repealing the same.

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

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

13 (d) Nothing contained in this compact shall be construed to
14 invalidate or prevent any EMS personnel licensure agreement or
15 other cooperative arrangement between a member state and a non-
16 member state that does not conflict with the provisions of this
17 compact.

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

22

23 XV. Construction and Severability. This compact shall be
24 liberally construed so as to effectuate the purposes thereof. If this
25 compact shall be held contrary to the constitution of any state
26 member thereto, the compact shall remain in full force and effect as
27 to the remaining member states. Nothing in this compact
28 supersedes state law or rules related to the licensure of EMS
29 agencies.

30

31 2. Nothing in this compact shall be deemed to waive or
32 abrogate in any way any defense or immunity of a public entity or
33 public employee under the common law or statutory law including,
34 but not limited to, the "New Jersey Tort Claims Act," 25
35 N.J.S.59:1-1 et seq.

36

37 3. The Governor may withdraw this State from the compact if
38 the Attorney General notifies the Governor that a state that is a
39 party to the compact has changed its licensure requirements to make
40 them substantially lower than the requirements of this State, or that
41 withdrawal from the compact is in the best interests of the health,
42 safety, and welfare of the citizens of this State.

43

44 4. This act shall take effect 180 days after the date of
45 enactment.

STATEMENT

1
2
3 This bill enters New Jersey into the Recognition Emergency
4 Medical Services (EMS) Personnel Licensure Interstate Compact
5 (otherwise known as REPLICA). This compact is intended to
6 facilitate the day-to-day movement of EMS personnel across state
7 boundaries in the performance of their EMS duties as assigned by
8 an appropriate authority and authorize state EMS offices to afford
9 immediate legal recognition to EMS personnel licensed in a
10 member state. This compact recognizes that states have a vested
11 interest in protecting the public's health and safety through their
12 licensing and regulation of EMS personnel, and that such state
13 regulation shared among the member states will best protect public
14 health and safety.

15 REPLICA is the nation's first and only multi-state compact for
16 the EMS profession. REPLICA provides qualified EMS
17 professionals licensed in a "home state" a legal "privilege to
18 practice" in "remote states." Home states are states where an EMT
19 is licensed; while remote states are other states that have adopted
20 the REPLICA legislation.