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RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT (REPLICA) - Interstate Commission for EMS Personnel Practice

NOTICE OF PUBLIC HEARING FOR PROPOSED RULE

Pursuant to the authority of the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) Sections 10 and 12 the member states hereby provide notice of the intent to consider and vote on the adoption of an administrative rule Chapter 1, "Rule on Rulemaking". In accordance with Section 14 A. of the Compact, the enactment of the Compact into law by the requisite number of member states authorizes such notice under the limited powers of relating to assembly and the promulgation of rules.

The purpose of the proposed rule is to establish a rulemaking process of the Interstate Commission for EMS Personnel Practice that substantially conforms to the principles of the model state administrative procedure act of 2010 and subsequent amendments thereto.

In accordance with Section 14. of the REPLICA, notice of this meeting and intended action and opportunity for public hearing is being distributed to provide public notice of the October 8, 2017, in Oklahoma City, OK. The public hearing for the proposed rule is scheduled as follows:

Sunday, Oct. 8, 2017 - 9:30 a.m.

The meeting will be held at:

**Oklahoma Museum of Fine Arts
415 Couch Drive
Oklahoma City, OK 73102**

Virtual Participation: Either by call in (phone) or by computer with audio, please register via this URL:

<https://register.gotowebinar.com/register/5725974367137182977>

Alabama - Colorado - Georgia - Idaho - Kansas - Mississippi - Tennessee - Texas - Utah -
Virginia - Wyoming

The **registration confirmation email** will provide the call in number and access code. This email will also contain the instructions and the URL to participate by computer/web.

In-Person Participation: *Registration required* by email to Prentiss@emsreplica.org

WRITTEN COMMENTS

Any interested person may present written comments on the proposed rule not later than **3:30 p.m. Eastern Daylight Time (4:30 p.m. Central, 3:30 p.m. Mountain, 2:30 p.m. Pacific) on Sept. 8, 2017**. Such written materials should be sent to Sue Prentiss, Advocate:

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prentiss@emsreplica.org

THE FOLLOWING RULE IS PROPOSED FOR ADOPTION:

Recognition of Emergency Medical Services Personnel Interstate Compact (REPLICA)

Title of Rule: Rulemaking functions of the Interstate Commission for EMS Personnel Licensure

Drafted: July 10, 2017

Effective: TBD by Interstate Commission on EMS Personnel Practice

Amended:

History of Rule: n/a

Chapter 1: Rulemaking functions of the Interstate Commission for EMS Personnel Licensure

Authority: **Section 10.** Establishment of an Interstate Commission for EMS Personnel Practice

Section 12. Rulemaking

- 1.0 Purpose:** Pursuant to Section 12. The Interstate Commission for EMS Personnel Practice shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of REPLICA. This rule will become effective upon passage of the EMS Interstate Commission – REPLICA - by majority vote.
- 1.1 Definition(s):**
- (a) **“Commission”** means the national administrative body of which all states that have enacted the compact are members.
 - (b) **“Member State”** means a state that has enacted this compact.
 - (c) **“Rule”** means a written statement by the Interstate Commission for EMS Personnel Practice promulgated pursuant to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.
 - (d) **“State”** means any state, commonwealth, district, or territory of the United States.
- 1.2 Proposed rules or amendments:** to the rules shall be adopted by majority vote of the members of the Interstate Commission for EMS Personnel Practice in the following manner:
- (a) Proposed new rules and amendments to existing rules shall be submitted to the EMS Interstate Commission for EMS Personnel Practice for referral to the Rules Committee as follows:
 - (1) Any Commissioner may submit a proposed rule or rule amendment for referral to the Rules Committee during the next scheduled Commission meeting. This proposal shall be made in the form of a motion and approved by a majority vote of a quorum of the Commission members present at the meeting;
 - (2) Standing Committees of the Commission may propose rules or rule amendments by majority vote of that Committee.
- 1.3 The Rules Committee:** shall prepare a draft of all proposed rules and provide the draft to all Commissioners for review and comments. All written comments received by the Rules Committee on proposed rules shall be posted on the Commission’s website upon receipt. Based on the comments made by the

Commissioners the Rules Committee shall prepare a final draft of the proposed rule(s) or amendments for consideration by the Commission not later than the next Commission meeting.

1.4 Prior to promulgation and adoption of a final rule: In accordance with Section 12 of the Compact, the Interstate Commission for EMS Personnel Practice shall publish the text of the proposed rule or amendment prepared by the Rules Committee not later than sixty (60) days prior to the meeting at which the vote is scheduled, on the official web site of the Interstate Commission for EMS Personnel Practice and in any other official publication that may be designated by the Interstate Commission for EMS Personnel Practice the publication of its rules. In addition to the text of the proposed rule or amendment, the reason for the proposed rule shall be provided.

1.5 Each administrative rule or amendment shall state:

- (a) The place, time, and date of the scheduled public hearing;
- (b) The manner in which interested persons may submit notice to the EMS Interstate Commission of their intention to attend the public hearing and any written comments; and
- (c) The name, position, physical and electronic mail address, telephone, and telefax number of the person to whom interested persons may respond with notice of their attendance and written comments.

1.6 Public Hearings: Every public hearing shall be conducted in a manner guaranteeing each person who wishes to comment a fair and reasonable opportunity to comment. In accordance with Section 12. H., of the EMS Compact, specifically:

- (a) If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.
- (b) All persons wishing to be heard at the hearing shall notify the Chairmen of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.
- (c) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
- (d) No transcript of the public hearing is required, unless a written request for a transcript is made, which case the person or entity making the request shall pay for the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the public hearing if it chooses to do so.

(e) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the EMS Interstate Commission at hearings required by this section.

(f) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the EMS Interstate Commission shall consider all written and oral comments received.

(g) The EMS Interstate Commission shall, by majority vote of a quorum of the commissioners, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

1.7 Status of Rules upon adoption of Compact additional member states: Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules, as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

1.8 Judicial Review Petition: not later than sixty (60) days after a rule is adopted, any interested person may file a petition for judicial review of the rule in the United States district court of the District of Columbia or in the federal district court where the Interstate Commission's principal office is located. If the court finds that the EMS Interstate Commission's action is not supported by substantial evidence, as defined in the federal Administrative Procedures Act, in the rulemaking record, the court shall hold the rule unlawful and set it aside.

1.9 Emergency Rulemaking: Upon determination that an emergency exists, the EMS Interstate Commission may consider and adopt an emergency rule that shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. An emergency rule is one that must be made effective immediately in order to:

- (a) Meet an imminent threat to public health, safety, or welfare;
- (b) Prevent a loss of federal or state funds;
- (c) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (d) Protect public health and safety.