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MEMORANDUM

To: Chairman Pauls
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: March 9, 2016

Subject: SB 225 – Interstate Compact for Recognition of Emergency Personnel
Licensure.

Senate Bill No. 225 would enact the Interstate Compact for Recognition of Emergency Personnel Licensure. As with any other interstate compact, this Act would create an agreement between Kansas and the other states that enact the same compact regarding the subject matter of the compact. Under SB 225 the agreement is in regards to recognizing and authorizing emergency service personnel to travel to another member state to perform their professional duties. The following is a brief summary of the articles of the compact.

Article 1 provides the purpose of the compact. The primary purpose is to facilitate the day-to-day movement of EMS personnel across state boundaries to perform their EMS duties and authorize member states to recognize licensed personnel from other member states.

Article 2 provides relevant definitions. The “home state” is the state where the individual was issued an EMS license. The “remote state” is the state where the individual is not licensed but has a privilege to practice. A “member state” is a state that has enacted the compact.

Article 3 pertains to licensure by the home state. This section of the compact set outs the requirements that a member state must satisfy in order for individuals licensed by such state to be able to practice in remote states.

Article 4 provides when an individual has the privilege to practice in a remote state. This section provides the requirements an individual must meet in order to exercise a privilege to practice in a remote state. The individual’s scope of practice is based on their home state licensure, but otherwise, the individual is subject to the laws of the remote state while practicing there. An individual’s privilege to practice may be restricted, suspended, or revoked by the

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remote state authority, and if this occurs, the individual is prohibited from practicing in any remote state until such privilege is restored.

Article 5 governs how the privilege to practice in a remote state may be exercised. This section provides the circumstances under which an individual may practice in a remote state.

Article 6 provides that if a state of emergency is declared by the governor of a member state, then the terms and conditions of the Emergency Management Assistance Compact (EMAC) will apply. Kansas has entered into the EMAC (see K.S.A. 48-9a01). To the extent any terms of the EMS licensure compact are in conflict with the terms of the EMAC, then the EMAC provisions will control.

Article 7 requires that member states consider any veteran, active duty military, member of the national guard or reserves, or any spouse thereof, who holds a NREMT certification at or above the level of the state license as satisfying the minimum training and examination requirements for licensure. This section also requires member states to expedite the processing of licensure applications of such individuals.

Article 8 provides for adverse actions by licensing authorities against licensed individuals. A home state retains exclusive power to take an adverse action against a licensed individual pursuant to the home state's laws. A remote state may take adverse action against a licensed individual's privilege to practice within that remote state.

Article 9 provides additional powers under the compact for state licensing authorities. A member state's licensing authority may issue subpoenas requiring the attending and testimony of witnesses from other member states. Such subpoenas shall be enforced in the remote state by a court of competent jurisdiction. A state licensing authority may also issue orders to cease and desist to an individual to restrict, suspend, or revoke that individual's privilege to practice.

Article 10 establishes the Commission for EMS Personnel Practice. The governing body for the compact is the Commission. The Commission consists of one delegate from each of the member states. Each delegate has one vote on the Commission. Among various powers typically granted to political bodies, the Commission may adopt uniform rules and regulations for the purpose of implementation and administration of the compact. This rulemaking authority is subject to Article 12. Also, the Commission may levy an annual assessment on each member state, or impose fees on other parties as a means of covering the costs of the Commission's operations.

Article 11 requires the Commission to establish a coordinated database and reporting system containing information on licensure, adverse actions, and significant investigations on all

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licensed individuals in the member states. Each member state is required to submit the necessary information, but may designate information that may not be shared publicly without the express permission of the member state.

Article 12 provides the process of adoption of rules by the Commission. If a majority of the legislatures of the member states rejects a rule by adoption of a bill or resolution to that effect, then the rule is null and void. This section provides procedures for notice and a public hearing prior to final adoption of a rule. There is also a provision for emergency rulemaking authority, but any rule adopted under such emergency circumstances must go through the standard rule adoption procedure at least 90 days after its effective date.

Article 13 provides that the compact is to become effective upon enactment by 10 states. A member state may withdraw from the compact by enacting a repeal of the compact. Withdrawal is effective six months after the effective date of the act repealing the compact.

Article 14 provides that if the compact is held to be unconstitutional in any state it shall remain in full force and effect in the remaining member states. Also, nothing in the compact is to be construed to supercede state law or rules and regulations regarding the licensure of EMS personnel.

If enacted SB 225 would become effective on July 1, 2016, and the compact would become effective upon enactment of the compact by the 10th state.