



EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

ISSUE BRIEF

LPRO: LEGISLATIVE POLICY AND RESEARCH OFFICE

INTRODUCTION

Jobs requiring certain governmental authorization or form of licensure have increased in the last 60 years from approximately one in twenty to one in four.¹ In 1950, less than 5 percent of American workers were licensed compared to today's figure of 25 percent.²

To resolve state-to-state differences in occupational licensing laws and requirements, states may opt to participate in specific agreements, called occupational licensure interstate compacts.³ The Emergency Medical Services (EMS) Personnel Licensure Interstate Compact, hereafter referenced as the Compact, is an occupational licensure interstate compact. This brief describes interstate compacts, occupational licensure, and the EMS Personnel Licensure Compact.

INTERSTATE COMPACTS

An American invention, interstate compacts are contractual agreements between two or more states designed to help states collaboratively resolve specific public policy issues.⁴ Interstate compacts permit states certain flexibility that federal mandates may otherwise prevent.⁵ Except for the distinct requirement that the consent of Congress must be secured, interstate compacts existed in some form during the earliest stages of American history to resolve matters like colonial boundary disputes among states.⁶ The National Center for Interstate Compacts (NCIC) reports that, since 2016, states have

¹ Zach Herman, *The National Occupational Licensing Database Executive Summary*, <<https://www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx#:~:text=Occupations%20%20Athletic%20Trainer%20%20Auctioneer,%20Pharmacy%20Technician%20%20more%20rows%20>> (last visited June 16, 2021).

² Dan Logsdon, National Center for Interstate Compacts, *Multistate Problem Solving with Interstate Compacts*, <<https://licensing.csg.org/wp-content/uploads/2019/04/Compact-Resource-Guide-1.pdf>> (last visited June 21, 2021).

³ Id.

⁴ Logsdon, Dan, National Center for Interstate Compacts, *Multistate Problem Solving with Interstate Compacts - What Are Interstate Compacts?*, <<https://licensing.csg.org/wp-content/uploads/2019/04/Compact-Resource-Guide-1.pdf>> (last visited June 21, 2021).

⁵ Id.

⁶ Congress.gov, *Constitution Annotated, Art1.S10.C3.3 Compacts Clause*, <https://constitution.congress.gov/browse/essay/art1_S10_C3_3/%22interstate%20compacts%22/#:~:text=Article%20I%2C%20Section%2010%2C%20Clause%203%3A%20No%20State,imminent%20Danger%20as%20will%20not%20admit%20of%20delay.> (last visited 6/16/2021).

passed over 150 interstate compact legislative measures.⁷ Over 40 U.S. states have participated in at least one occupational licensing compact for medical professionals including nurses, physicians, physical therapists, emergency medical technicians, and psychologists.⁸

OCCUPATIONAL LICENSURE

Occupational licensure is verification of the accomplishment of specific professional education, assessment, training, and fee payment standards submitted by individuals to work in a certain profession, like emergency medical services. Generally, workforce licensure is administrated at state levels.⁹

States have different ways of setting licensing standards. For example, state legislatures in some states directly establish licensing requirements, while other states opt for the use of state agency or state-sponsored independent boards to help determine licensure requirements.¹⁰ In Oregon, the Oregon Health Authority's Emergency Medical Services and Trauma Systems Program licenses certain EMS providers; applicants for initial licensure must meet specific statutory requirements. Ultimately, states may work through a matrix of diverse, state-to-state licensure standards to meet daily and distinct emergency EMS personnel resource needs.

EMS Personnel Occupational Licensure Classifications

EMS professionals respond to public health and safety emergencies.¹¹ EMS personnel may include emergency medical technicians (EMTs), emergency medical responders (EMRs), advanced EMTs (AEMTs) and paramedics. The National Registry of Emergency Medical Technicians (NREMT) reports a national total of over 400,000

⁷ National Center for Interstate Compacts, The Council of State Governments, <<https://compacts.csg.org>> (last visited 6/21/2021).

⁸ Dan Logsdon, National Center for Interstate Compacts, *Multistate Problem Solving with Interstate Compacts*, <<https://licensing.csg.org/wp-content/uploads/2019/04/Compact-Resource-Guide-1.pdf>> (last visited June 21, 2021).

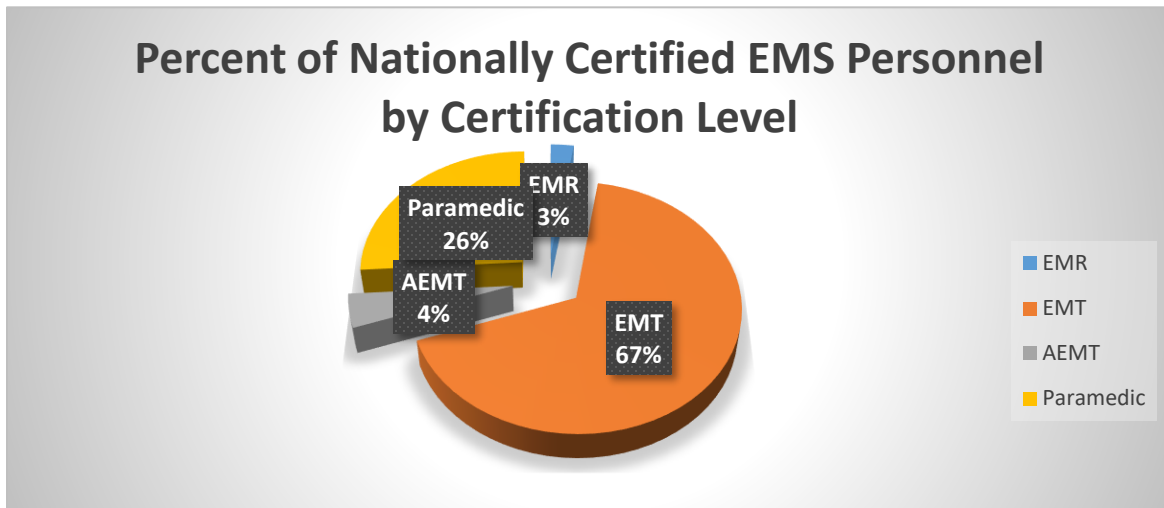
⁹ Zach Herman, *The National Occupational Licensing Database Executive Summary*, <<https://www.ncsl.org/research/labor-and-employment/occupational-licensing-statute-database.aspx#:~:text=Occupations%20%20Athletic%20Trainer%20%20Auctioneer,%20Pharmacy%20Technician%20%204%20more%20rows%20>> (last visited June 16, 2021).

¹⁰ Id.

¹¹ National Association of Emergency Medical Technicians, *What is EMS?*, <https://www.naemt.org/docs/default-source/about-ems/what-is-ems-2020-10-14-2020-final.pdf?Status=Temp&sfvrsn=cb0fe593_2> (last visited June 24, 2021).

certified EMS personnel.¹² Figure 1, below, shows the percentage of EMS personnel by certification level.

Figure 1. Nationally Certified EMS Personnel by Percent and Level



Data: National Registry of Emergency Medical Technicians
Source: Legislative Policy and Research Office

THE EMS PERSONNEL LICENSURE COMPACT

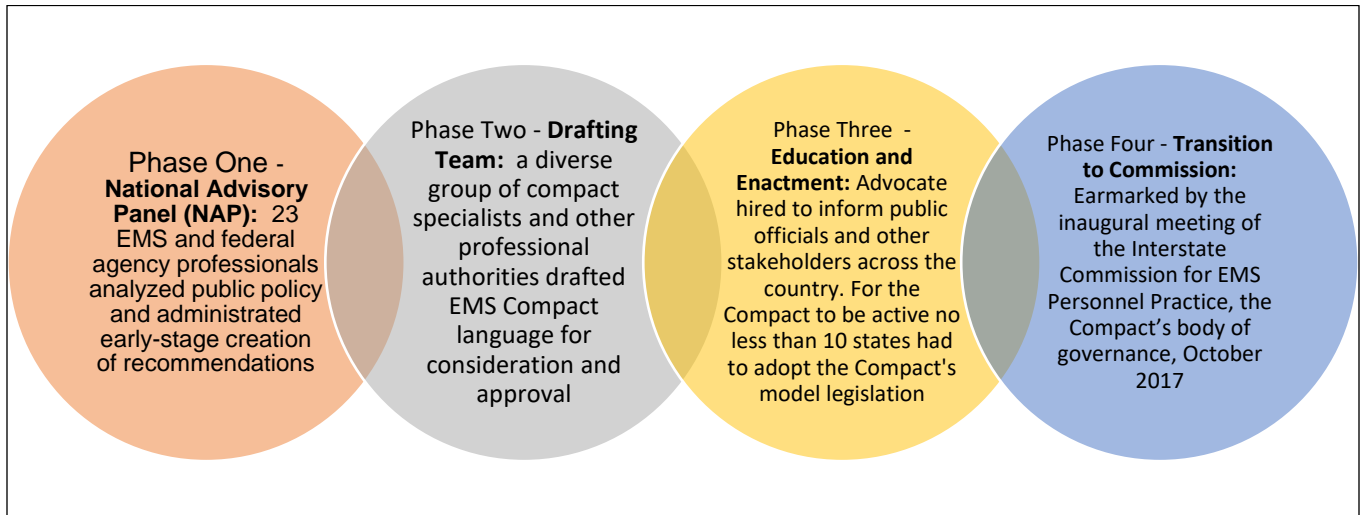
The EMS Personnel Licensure Compact acknowledges the daily movement of EMS personnel from state to state.¹³ The Compact's development began in 2012. Its initial goal was to address licensure concerns impacting EMS professionals called upon to work in states other than a professional's state of licensure.¹⁴

The Compact was developed in four phases, illustrated below by Figure 2 (see next page).

¹² National Registry of Emergency Medical Technicians, *National Registry Data, Dashboard, and Maps - Total Nationally Certified EMS Personnel*, <<https://nremt.org/maps>> (last visited September 23, 2021).

¹³ Interstate Commission for EMS Personnel Practice, EMS Compact, *Frequently Asked Questions*, <<https://emscompact.gov/resources/faqs/>> (last visited June 15, 2021).

¹⁴ Interstate Commission for EMS Personnel Practice, *EMS Compact History*, <https://www.emscompact.gov/compact-information/compact-history/#:~:text=EMS%20Compact%20History%20The%20initial%20work%20on%20the,day-to-day%20deployments%20include%2C%20but%20are%20not%20limited%20to%3A> (last visited June 15, 2021).

Figure 2. EMS Personnel Compact Development Phases

Data: Interstate Commission for EMS Personnel Practice
 Source: Legislative Policy and Research Office

In 2017, the Compact's model legislation, REPLICA – Recognition of EMS Personnel Licensure Interstate CompAct, was adopted by 10 states. In acknowledgment of member states' urgent need for EMS personnel responding to the COVID-19 public health crisis, and their specific cross border privilege to practice, authorities of the Compact were mobilized in March of 2020.¹⁵ The Interstate Commission for EMS Personnel Practice authorized this mobilization by majority vote.¹⁶

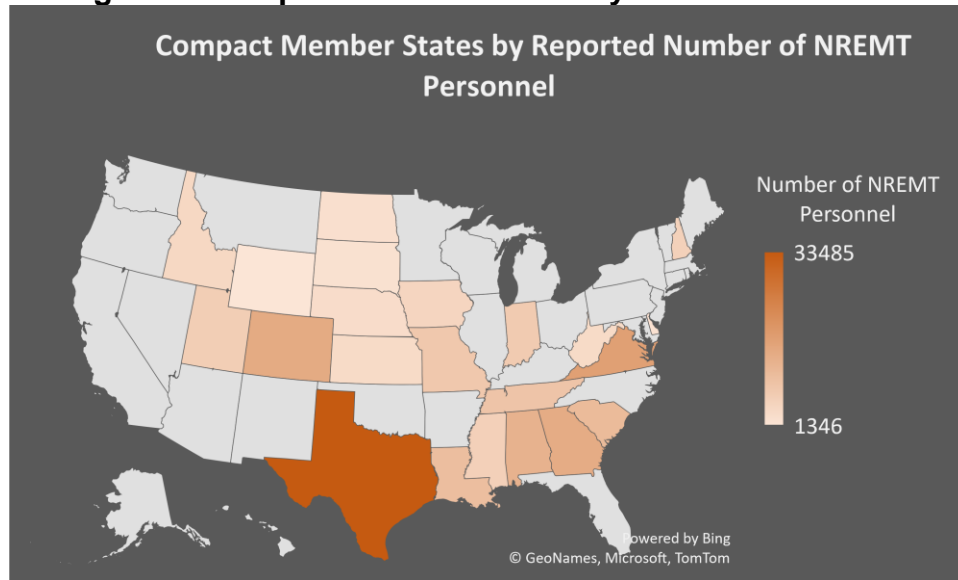
EMS Personnel Licensure Compact Membership

For membership, states adhere to specific requirements. To join the Compact, states are obligated to: adopt REPLICA; demonstrate utilization of the National Registry of EMTs certification examination for emergency medical technicians (EMTs) and paramedics (see Figure 3); and are required to employ FBI amenable biometric data background checks, like fingerprints, with certain conditions. States must also have an established process to address grievances and agree to participate in the National EMS Coordinated Database.¹⁷

¹⁵ Email from Dan Manz, EMS Compact Educator, Interstate Commission for EMS Personnel Practice, to Regina Wilson, Legislative Analyst, Legislative Policy and Research Office (June 16, 2021, 04:33 PST) (on file with Legislative Policy and Research Office).

¹⁶ Letter from Joe Schmitter, Chair, Interstate Commission for Personnel Practice, to All Interested Parties (March 14, 2019) (on file with the Interstate Commission for EMS Personnel Practice).

¹⁷ Interstate Commission for EMS Personnel Practice, *Benefits of Joining the EMS Compact/State Requirements*, <<https://emscompact.gov/compact-information/state-benefits/>> (last visited June 15, 2021).

Figure 3. Compact Member States by NREMT Personnel

Data: National Registry of Emergency Medical Technicians and Interstate Commission for EMS Personnel Practice

Source: Legislative Policy and Research Office

Recognition of Emergency Medical Services Personnel Licensure Interstate CompAct (REPLICA)

As of June 16, 2021, 22 states have passed REPLICA legislation. Louisiana and South Dakota, the most recent states to pass REPLICA, have legislation enactment dates of July 1, 2021.¹⁸

REPLICA contains provisions to address issues that include unfavorable actions against an EMS license holder, certain guidance for member states regarding compact enforceability, and state withdrawal from the Compact. Other distinct elements of the Compact are:

- Relationship to Emergency Management Assistance Compact (EMAC) – this clause addresses conflicts that may arise during times of governor-declared emergency between the EMS Personnel Licensure Compact and EMAC. EMAC is a national disaster relief compact that assists states and U.S. territories during periods of governor-declared emergency or disaster (Section 6).
- Veterans, Service Members Separating from Active Duty Military, and Spouses of Veterans and Service Members Separating from Active Duty Military – this clause establishes provisions regarding EMS licensure of specified military service members and their spouses (Section 7).

¹⁸ Email from Dan Manz, EMS Compact Educator, Interstate Commission for EMS Personnel Practice, to Regina Wilson, Legislative Analyst, Legislative Policy and Research Office (June 16, 2021, 04:33 PST) (on file with Legislative Policy and Research Office).

- Establishment of the Interstate Commission for EMS Personnel Practice – each Compact member state is permitted representation on the Commission by one delegate, or member (Section 10).
- Coordinated Database – establishes National EMS Coordinated Database for EMS personnel licensure record keeping and information sharing (Section 11).¹⁹

National EMS Coordinated Database

The National EMS Coordinated Database enables member states to exchange information regarding EMS licensure records and disciplinary and investigative information between authorized state EMS offices. It also maintains an individual's permission to work in multiple states.²⁰ Currently operational, all EMS Compact member states have access to the database. Over half of Compact member states have fully integrated their data into the national database.²¹

Interstate Commission for EMS Personnel Practice

The Interstate Commission for EMS Personnel Practice officially formed in 2017 following the adoption of REPLICA by 10 participating states.²² The Commission is a distinct, collaborative group of representatives from each Compact member state tasked with governance, management, and administrative responsibilities. Member states are permitted one Commission designee, or Commissioner.²³

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¹⁹ Interstate Commission for EMS Personnel Practice, *Model Legislation*, <<https://emscompact.gov/compact-information/replica-model-legislation/>> (last visited June 16, 2021).

²⁰ Interstate Commission for EMS Personnel Practice, *The Coordinated Database*, <<https://www.emscompact.gov/compact-information/coordinated-database/>> (last visited June 16, 2021).

²¹ Email from Dan Manz, EMS Compact Educator, Interstate Commission for EMS Personnel Practice, to Regina Wilson, Legislative Analyst, Legislative Policy and Research Office, (June 16, 2021, 04:33 PST) (on file with Legislative Policy and Research Office).

²² Id.

²³ Interstate Commission for EMS Personnel Practice, *Interstate Commission for EMS Personnel Practice*, <<https://emscompact.gov/the-commission/>> (last visited June 16, 2021).