

# CAPITOL RESEARCH

## ● ● ● INTERSTATE COMPACTS

### EMS Licensing: An Interstate Problem

States have had the authority to license emergency medical services personnel since the 1970s. While the federal government frequently provides resources and assistance to help states in developing licensing protocols, licenses are issued based on individual state practices and procedures, and requirements vary among the states.

The license issued to emergency services personnel by a state is based on a determination of the individual's fitness to practice; the individual must meet or exceed the minimum requirements established by that state's laws and regulations. These requirements vary by state, but often include:

- Completing a state-approved or nationally accredited training program;
- Obtaining a passing score on a national certification examination;
- Passing a criminal history background check;
- Being credentialed by a licensed ambulance service or other emergency agency; and
- Having a medical director who is responsible for verifying the competency of the provider on a periodic basis.

The EMS industry has undergone much change since the 1970s. It is becoming increasingly more common for EMS personnel to cross state lines to provide services in non-declared states of emergency, such as:

- Local EMS agencies have specialized and evolved with regional, even multistate areas of response;
- Helicopter EMS agencies are becoming more common, frequently serving two or more states from the same base; and
- Federal agencies often dispatch contractors from one state to another to function as EMS personnel in events such as wildfires.

This increased level of interstate movement and cooperation has placed a renewed emphasis on how EMS personnel are licensed to ensure that they are not accused of practicing medicine in a state in which they are not technically licensed. As a result, there is an increasing need for a universal means of assuring a legal, accountable and geographically consistent method of licensing emergency services personnel.



#### A Potential Solution

While there have been limited efforts to address the problem—notably border states entering into memorandums of understanding to allow EMS personnel to work across state lines—a more permanent and wide-reaching solution has not been found. One possible way to solve this growing problem may be the formation of an interstate compact, which would allow member states to self-regulate the existing system for licensing EMS personnel.

Compacts, which are governed by the tenets of contract law, provide states an enforceable, sustainable and durable tool capable of ensuring permanent change without federal intervention. With more than 215 interstate compacts in existence today and each state belonging to an average of 25 compacts, there is considerable legal and historical precedence for the development and use of the tool.

Perhaps more importantly, several compacts that deal specifically with licensing and emergency management issues already exist. Compacts such as the

Driver's License Compact and the Nurse Licensure Compact provide precedence for member states to honor licenses issued in another member state. Numerous compacts deal with emergency management and preparedness, including the Emergency Management Assistance Compact and the existing regional forest fire compacts. An emergency medical services personnel compact, if developed, would allow the member states to preserve state sovereignty through collective control and self-regulation.

### Next Steps

The Council of State Governments, through the National Center for Interstate Compacts and in conjunction with the National Association of State EMS Officials, has proposed to explore the feasibility of an EMS Licensure Compact in more detail with subject matter experts, interested stakeholders and federal officials. If such an initiative moves forward, CSG and the National Association of State EMS Officials would assess the feasibility of such a compact, and if it is deemed practical, draft a model agreement for state legislative consideration. Such an agreement would likely be modeled after the Nurse Licensure and Driver's License compacts, allowing member states to agree to honor licenses as long as the license is issued in another member state in a manner consistent with the compact terms.



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#### NCIC RESOURCES:

- » National Center for Interstate Compacts
- » Compacts Database

#### ADDITIONAL RESOURCES:

- » National Association of State EMS Officials

