

# Talking Points – REPLICA

---



## What is REPLICA?

Twenty-one states have enacted and approved the Recognition of EMS Personnel Licensure Interstate CompAct (REPLICA). This legislation negatively affects EMS jobs and wages and reduces the control over patient care. REPLICA poses a threat to IAFF affiliates everywhere and compromises quality of care to the communities they serve.

The National Association of State EMS Officials (NASAMSO) authored the legislation in response to the federal government's request to improve response to federal law enforcement activities and to emergency incidents, such as wildland fires. The federal government aims to ease restrictions to make it easier for EMS personnel to provide services across state lines that involve high-level security response from the FBI, Department of Homeland Security, and other law enforcement to emergencies.

The IAFF understands the need to make access more convenient, but REPLICA in its current form makes government bigger and more bureaucratic. In addition, current legislation exceeds the scope and extends the legislation to include day-to-day EMS responses, which could include non-emergency interfacility work. This legislation would allow private, for-profit, entities and rival organizations to move personnel across state borders and take work away from IAFF affiliates in their jurisdictions and inadvertently create a parity gap in wages for states that enter into the agreement.

Although the IAFF was a stakeholder organization during the creation of this “model” legislative language, our position was not inserted, and our position continues to be ignored. We have continued to state our opposition to the rest of the stakeholders and authors of the legislation.

## Talking Points

- The IAFF believes Emergency Medical Services (EMS) should be locally driven and REPLICA reduces the control over patient care. Below are talking points and additional frequently asked questions and information for your review.
- This legislation is a threat to jobs and wages. It creates a situation that benefits large for-profit ambulance companies by allowing their workforce to easily transverse state borders.
- It disadvantages low wage EMS workers by increasing their workload and travel distances without the benefits of breaks.
- It reduces the need of for-profit EMS companies to create jobs because they can reroute resources across state lines to fill open shifts rather than hire personnel.
- For EMS workers that are allowed to migrate, what protections are in place to ensure that the state receives the taxable revenue it should receive is a worker is assigned to a state for a day or more?
- The REPLICA commission seeks funding from states for its operations but there is no oversight, no duly elected representatives and no public comment guaranteed by citizens of states within the compact. The current commission has stated it will ensure transparency; the law is written to restrict it. Subsequent commissions could opt out and restrict public comment.
- The fee as outlined in Section 10 E. Financing subsection 3: “The Commission may levy on an collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff...” There will be no ability by a member state to perform a financial audit on the Commission to ensure that state tax dollars are being spent responsibly.
- Since the Compact is a non-governmental entity, they are NOT bound by open records request under the Freedom of Information Act.
- States lose control to regulate quality service. A state may not know what expertise or qualifications of personnel coming in from another Compact state.

## Talking Points — REPLICA (continued)

---

- Background Check Issues:
  - a) States have different laws; a person may have a misdemeanor in one state then through the Compact they are allowed into another state to operate where that same crime is a felony.
  - b) The FBI recognizes governmental entities to perform background checks. Since the Compact is not a governmental agency background checks may be subpar.
  - c) It is unclear on who pays for the background checks.
- Many topics proposed in the legislation are already provided by many states.
- Because it potentially reduces costs of large, for-profit companies, it creates a situation where private services could bring in out of state scab labor and underbid fire departments.
- There is a potential for the Compact to sell personal information EMS workers in participating states to fund the operations of the organization.

### What to look out for

- 1) When the legislation is proposed, the proponents will likely bring military personnel to push the legislation stating it will make it easier for military personnel to transition from active duty.

*The IAFF wholeheartedly supports its veterans and supports legislation to expedite their certifications in EMS. It does not have to be in this legislation, and we support a stand-alone reciprocity bill for Veterans.*

- 2) The Compact has a statement for prospective states to join that “The following model legislation language must be enacted by a state to join the EMS Compact, and the language must be consistent in each state that joins the Compact. No substantive changes should be made to the model language.”

*The IAFF suggests cooperating with those pushing the EMS Compact and offer solutions and negotiate the legislation by offering numerous amendments. i.e., the military reciprocity section.*

- 3) Proponents may cite examples that the Compact works due to the Covid-19 pandemic.

*The Compact had no bearing of EMS operations due to the state of emergency declaration. In fact, the workers shortage that many states see today shows that the Compact may not be effective and the problems with the legislation outweigh the benefits.*