

By: Capelo

H.B. No. 1930

Substitute the following for H.B. No. 1930:

By: McReynolds

C.S.H.B. No. 1930

A BILL TO BE ENTITLED

AN ACT

1
2 relating to certain fees and administrative penalties applicable to
3 emergency medical services providers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 773.050(c), Health and Safety Code, is
6 amended to read as follows:

7 (c) The board shall consider the education, training, and
8 experience of allied health professionals in adopting the minimum
9 standards for emergency medical services personnel certification
10 and may establish criteria for interstate reciprocity of emergency
11 medical services personnel. Each out-of-state application for
12 certification must be accompanied by a nonrefundable fee of not
13 more than \$120 [~~\$100~~]. The board may also establish criteria for
14 out-of-country emergency medical services personnel certification.
15 Each out-of-country application for certification must be
16 accompanied by a nonrefundable fee of not more than \$180 [~~\$150~~].

17 SECTION 2. Section 773.052(a), Health and Safety Code, is
18 amended to read as follows:

19 (a) An emergency medical services provider with a specific
20 hardship may apply to the bureau chief for a variance from a rule
21 adopted under this chapter. The board may adopt a fee of not more
22 than \$30 [~~\$25~~] for filing an application for a variance.

23 SECTION 3. Sections 773.054(c) and (d), Health and Safety
24 Code, are amended to read as follows:

1 (c) Each application under Subsection (a)(3) must be
2 accompanied by a nonrefundable fee of not more than \$30 [~~\$25~~] for a
3 program instructor or examiner or \$60 [~~\$50~~] for a course
4 coordinator. The department may not require a fee for a
5 certification from an instructor, examiner, or coordinator who does
6 not receive compensation for providing services.

7 (d) Each application under Subsection (a)(2) must be
8 accompanied by a nonrefundable fee of not more than \$30 [~~\$25~~] for a
9 basic course or training program or \$60 [~~\$50~~] for an advanced course
10 or training program. The department may not require a fee for
11 approval of a course or training program if the course coordinator
12 or sponsoring agency does not receive compensation for providing
13 the course or training program.

14 SECTION 4. Sections 773.055(a), (d), and (e), Health and
15 Safety Code, are amended to read as follows:

16 (a) A nonrefundable fee must accompany each application for
17 emergency medical services personnel certification. The fee may
18 not exceed:

19 (1) \$90 [~~\$75~~] for an emergency medical
20 technician-paramedic or emergency medical
21 technician-intermediate;

22 (2) \$60 [~~\$50~~] for an emergency medical technician or
23 emergency care attendant;

24 (3) \$90 [~~\$75~~] for recertification of an emergency
25 medical technician-paramedic or emergency medical
26 technician-intermediate;

27 (4) \$60 [~~\$50~~] for recertification of an emergency

1 medical technician or emergency care attendant; or

2 (5) \$120 [~~\$100~~] for certification or recertification
3 of a licensed paramedic.

4 (d) The department shall furnish a person who fails an
5 examination for certification with an analysis of the person's
6 performance on the examination if requested in writing by that
7 person. The board may adopt rules to allow a person who fails the
8 examination to retake all or part of the examination. A fee of not
9 more than \$30 [~~\$25~~] must accompany each application for
10 reexamination.

11 (e) The department shall issue certificates to emergency
12 medical services personnel who meet the minimum standards for
13 personnel certification adopted under Section 773.050. A
14 certificate is valid for four years from the date of issuance. The
15 department shall charge a fee of not more than \$10 [~~\$5~~] to replace a
16 lost certificate.

17 SECTION 5. Section 773.056(b), Health and Safety Code, is
18 amended to read as follows:

19 (b) The department shall issue a certificate to each program
20 instructor, examiner, or course coordinator who meets the minimum
21 standards adopted under Section 773.050. The certificate is valid
22 for two years. The department shall charge a fee of not more than
23 \$10 [~~\$5~~] to replace a lost or stolen certificate.

24 SECTION 6. Section 773.057(b), Health and Safety Code, is
25 amended to read as follows:

26 (b) A nonrefundable application and vehicle fee determined
27 by the board must accompany each application. The application fee

1 may not exceed \$500 [~~\$150~~] for each application and the vehicle fee
2 may not exceed \$180 for each emergency medical services vehicle
3 operated by the provider.

4 SECTION 7. Section 773.0572, Health and Safety Code, is
5 amended to read as follows:

6 Sec. 773.0572. PROVISIONAL LICENSES. The board by rule
7 shall establish conditions under which an emergency medical
8 services provider who fails to meet the minimum standards
9 prescribed by this chapter may be issued a provisional license. The
10 department may issue a provisional license to an emergency medical
11 services provider under this chapter if the department finds that
12 issuing the license would serve the public interest and that the
13 provider meets the requirements of the rules adopted under this
14 section. A nonrefundable fee of not more than \$30 [~~\$25~~] must
15 accompany each application for a provisional license.

16 SECTION 8. Section 773.0611(c), Health and Safety Code, is
17 amended to read as follows:

18 (c) The board shall adopt rules for unannounced inspections
19 authorized under this section. The department or its
20 representative shall perform unannounced inspections in accordance
21 with those rules. An emergency medical services provider shall pay
22 to the department a nonrefundable fee of not more than \$30 [~~\$25~~] if
23 reinspection is necessary to determine compliance with this chapter
24 and the rules adopted under this chapter.

25 SECTION 9. Section 773.065(c), Health and Safety Code, is
26 amended to read as follows:

27 (c) The penalty may not exceed \$7,500 [~~\$1,000~~] for each

1 violation. The board by rule shall establish gradations of
2 penalties in accordance with the relative seriousness of the
3 violation.

4 SECTION 10. Subchapter C, Chapter 773, Health and Safety
5 Code, is amended by adding Section 773.071 to read as follows:

6 Sec. 773.071. FEES. (a) To the extent feasible, the board
7 by rule shall set the fees under this subchapter in amounts
8 necessary for the department to recover the cost of administering
9 this subchapter.

10 (b) Subsection (a) does not apply to fees for which Section
11 773.059 prescribes the method for determining the amount of the
12 fees.

13 SECTION 11. Sections 773.116(b) and (d), Health and Safety
14 Code, are amended to read as follows:

15 (b) The board by rule shall set the amount of the fee
16 schedule for initial or continuing designation as a trauma facility
17 according to the number of beds in the health care facility. The
18 amount of the fee may not exceed:

- 19 (1) \$5,000 for a Level I or II facility;
20 (2) \$2,500 for a Level III facility; or
21 (3) \$1,000 for a Level IV facility.

22 (d) To the extent feasible, the board by rule shall set the
23 fee in an amount necessary for the department to recover [~~A fee~~
24 ~~under Subsection (c) may not exceed~~] the cost directly related to
25 designating trauma facilities under this subchapter.

26 SECTION 12. Section 773.116(c), Health and Safety Code, is
27 repealed.

1 SECTION 13. (a) The changes in law made by this Act
2 relating to administrative penalties apply only to a violation that
3 occurs on or after the effective date of this Act. For the purposes
4 of this section, an offense is committed before the effective date
5 of this Act if any element of the offense occurs before that date. A
6 violation that occurred before the effective date of this Act is
7 covered by the law in effect when the violation occurred, and the
8 former law is continued in effect for that purpose.

9 (b) The changes in law made by this Act relating to fees
10 imposed under Chapter 773, Health and Safety Code, apply only to
11 fees for an application filed or an inspection conducted on or after
12 the effective date of this Act. A fee for an application filed or an
13 inspection conducted before the effective date of this Act is
14 covered by the law in effect when the application was filed or the
15 inspection was conducted, and the former law is continued in effect
16 for that purpose.

17 SECTION 14. This Act takes effect September 1, 2003.