

By: Capelo

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 \$100~~].
13 The board may also establish criteria for out-of-country emergency
14 medical services personnel certification. Each out-of-country
15 application for certification must be accompanied by a
16 nonrefundable fee [~~of \$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 \$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 \$25 for a program instructor~~
3 ~~or examiner or \$50 for a course coordinator~~]. The department may
4 not require a fee for a certification from an instructor, examiner,
5 or coordinator who does not receive compensation for providing
6 services.

7 (d) Each application under Subsection (a)(2) must be
8 accompanied by a nonrefundable fee [~~of \$25 for a basic course or~~
9 ~~training program or \$50 for an advanced course or training~~
10 ~~program~~]. The department may not require a fee for approval of a
11 course or training program if the course coordinator or sponsoring
12 agency does not receive compensation for providing the course or
13 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) \$75 for an emergency medical~~
20 ~~technician-paramedic or emergency medical~~
21 ~~technician-intermediate,~~

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

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

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

1 ~~technician or emergency care attendant, or~~

2 ~~[(5) \$100 for certification or recertification of a~~
3 ~~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~~
9 ~~\$25~~] must accompany each application for reexamination.

10 (e) The department shall issue certificates to emergency
11 medical services personnel who meet the minimum standards for
12 personnel certification adopted under Section 773.050. A
13 certificate is valid for four years from the date of issuance. The
14 department shall charge a fee [~~of \$5~~] to replace a lost certificate.

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

17 (b) The department shall issue a certificate to each program
18 instructor, examiner, or course coordinator who meets the minimum
19 standards adopted under Section 773.050. The certificate is valid
20 for two years. The department shall charge a fee [~~of \$5~~] to replace
21 a lost or stolen certificate.

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

24 (b) A nonrefundable fee determined by the board must
25 accompany each application. [~~The fee may not exceed \$150 for each~~
26 ~~emergency medical services vehicle operated by the provider.]~~

27 SECTION 7. Section 773.0572, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 773.0572. PROVISIONAL LICENSES. The board by rule
3 shall establish conditions under which an emergency medical
4 services provider who fails to meet the minimum standards
5 prescribed by this chapter may be issued a provisional license. The
6 department may issue a provisional license to an emergency medical
7 services provider under this chapter if the department finds that
8 issuing the license would serve the public interest and that the
9 provider meets the requirements of the rules adopted under this
10 section. A nonrefundable fee [~~of \$25~~] must accompany each
11 application for a provisional license.

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

14 (c) The board shall adopt rules for unannounced inspections
15 authorized under this section. The department or its
16 representative shall perform unannounced inspections in accordance
17 with those rules. An emergency medical services provider shall pay
18 to the department a nonrefundable fee [~~of \$25~~] if reinspection is
19 necessary to determine compliance with this chapter and the rules
20 adopted under this chapter.

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

23 (c) The penalty may not exceed \$15,000 [~~\$1,000~~] for each
24 violation. The board by rule shall establish gradations of
25 penalties in accordance with the relative seriousness of the
26 violation.

27 SECTION 10. Subchapter C, Chapter 773, Health and Safety

1 Code, is amended by adding Section 773.071 to read as follows:

2 Sec. 773.071. FEES. (a) To the extent feasible, the board
3 by rule shall set the fees under this subchapter in amounts
4 necessary for the department to recover the cost of administering
5 this subchapter.

6 (b) Subsection (a) does not apply to fees for which Section
7 773.059 prescribes the method for determining the amount of the
8 fees.

9 SECTION 11. Section 773.116(d), Health and Safety Code, is
10 amended to read as follows:

11 (d) The board by rule shall set the fee in an amount
12 necessary for the department to recover [~~A fee under Subsection (c)~~
13 ~~may not exceed~~] the cost directly related to designating trauma
14 facilities under this subchapter.

15 SECTION 12. Sections 773.116(b) and (c), Health and Safety
16 Code, are repealed.

17 SECTION 13. (a) The changes in law made by this Act
18 relating to administrative penalties apply only to a violation that
19 occurs on or after the effective date of this Act. For the purposes
20 of this section, an offense is committed before the effective date
21 of this Act if any element of the offense occurs before that date. A
22 violation that occurred before the effective date of this Act is
23 covered by the law in effect when the violation occurred, and the
24 former law is continued in effect for that purpose.

25 (b) The changes in law made by this Act relating to fees
26 imposed under Chapter 773, Health and Safety Code, apply only to
27 fees for an application filed or an inspection conducted on or after

1 the effective date of this Act. A fee for an application filed or an
2 inspection conducted before the effective date of this Act is
3 covered by the law in effect when the application was filed or the
4 inspection was conducted, and the former law is continued in effect
5 for that purpose.

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