

By: Nelson

S.B. No. 1556

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.