

AN ACT

relating to emergency medical services vehicles and personnel and the collection and use of certain health-related data.

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

SECTION 1. Section 104.042(e), Health and Safety Code, is amended to read as follows:

(e) Data received by the department under this section containing information identifying specific patients [~~persons or health care facilities~~] is confidential, is not subject to disclosure under Chapter 552, Government Code, and may not be released unless the [~~all identifying~~] information identifying the patient is removed. This subsection does not authorize the release of information that is confidential under Chapter 108.

SECTION 2. Subchapter D, Chapter 104, Health and Safety Code, is amended by adding Section 104.044 to read as follows:

Sec. 104.044. SORTING COLLECTED DATA. (a) The department shall compile the health data collected under this subchapter and organize the results, to the extent possible, according to the following geographic areas:

- (1) the Texas-Mexico border region;
- (2) each public health region;
- (3) rural areas;
- (4) urban areas;
- (5) each county; and

1 (6) the state.

2 (b) Health data released under this subchapter must be
3 released in accordance with the way it is compiled under this
4 section.

5 SECTION 3. Subchapter A, Chapter 191, Health and Safety
6 Code, is amended by adding Section 191.008 to read as follows:

7 Sec. 191.008. SORTING COLLECTED DATA. (a) The department
8 shall compile the information relating to births, deaths, and fetal
9 deaths collected under this chapter and organize the results, to
10 the extent possible, according to the following geographic areas:

11 (1) the Texas-Mexico border region;

12 (2) each public health region;

13 (3) rural areas;

14 (4) urban areas;

15 (5) each county; and

16 (6) the state.

17 (b) The department may release the information relating to
18 births, deaths, and fetal deaths in accordance with the way it is
19 compiled under this section.

20 SECTION 4. Section 773.004(a), Health and Safety Code, is
21 amended to read as follows:

22 (a) This chapter does not apply to:

23 (1) a ground transfer vehicle and staff used to
24 transport a patient who is under a physician's care between medical
25 facilities or between a medical facility and a private residence,
26 unless it is medically necessary to transport the patient using a
27 stretcher;

1 (2) [~~ground or~~] air transfer that does not advertise
2 as an ambulance service and that is not licensed by the department;

3 (3) the use of ground or air transfer vehicles to
4 transport sick or injured persons in a casualty situation that
5 exceeds the basic vehicular capacity or capability of emergency
6 medical services providers in the area;

7 (4) an industrial ambulance; or

8 (5) a physician, registered nurse, or other health
9 care practitioner licensed by this state unless the health care
10 practitioner staffs an emergency medical services vehicle
11 regularly.

12 SECTION 5. Section 773.042, Health and Safety Code, is
13 amended to read as follows:

14 Sec. 773.042. BASIC LIFE-SUPPORT EMERGENCY MEDICAL
15 SERVICES PROVIDER QUALIFICATIONS. A provider qualifies as a basic
16 life-support emergency medical services provider if it provides a
17 vehicle that is designed for transporting the sick or injured,
18 [~~and~~] has personnel and sufficient equipment and supplies for
19 providing basic life support, and is capable of providing emergency
20 and nonemergency transportation.

21 SECTION 6. Section 773.057, Health and Safety Code, is
22 amended by adding Subsection (e) to read as follows:

23 (e) In addition to any other qualifications that an
24 emergency medical services provider must possess to obtain the type
25 of license sought, all emergency medical services providers must
26 possess the qualifications required for a basic emergency medical
27 services provider under Section 773.042.

1 SECTION 7. Section 143.005, Local Government Code, is
2 amended to read as follows:

3 Sec. 143.005. STATUS OF EMPLOYEES IF CHAPTER ADOPTED. (a)
4 Each fire fighter or police officer serving in a municipality that
5 adopts this chapter and who has been in the service of the
6 municipality for more than six months at the time this chapter is
7 adopted and who is entitled to civil service classification has the
8 status of a civil service employee and is not required to take a
9 competitive examination to remain in the position the person
10 occupies at the time of the adoption.

11 (b) In a municipality that adopts this chapter, an employee
12 of the fire department whose primary duties are to provide
13 emergency medical services for the municipality is considered to be
14 a fire fighter who is a member of the fire department performing
15 fire medical emergency technology, entitled to civil service
16 protection, and covered by this chapter.

17 SECTION 8. The change in law made by this Act to Chapters
18 104 and 191, Health and Safety Code, applies only to the furnishing
19 of data under Chapters 104 and 191, Health and Safety Code, or a
20 rule adopted under those chapters that is originally required to be
21 furnished on or after the effective date of this Act. The
22 furnishing of data originally required to be furnished before the
23 effective date of this Act is governed by the law as it existed
24 immediately before that date, and that law is continued in effect
25 for that purpose.

26 SECTION 9. The Department of State Health Services shall
27 consult with a group of affected persons and entities to define

1 rural and urban areas for purposes of Sections 104.044 and 191.008,
2 Health and Safety Code, as added by this Act, including:

3 (1) individuals with expertise in rural health
4 services research, epidemiology, rural public health services
5 delivery, demography, health planning, and large data sets; and

6 (2) representatives from universities, the Department
7 of State Health Services, the Office of Rural Community Affairs,
8 area health education centers, and local and county health
9 departments.

10 SECTION 10. (a) A person or vehicle that becomes subject to
11 Chapter 773, Health and Safety Code, and rules adopted under that
12 law as a result of the changes in law made by this Act is not
13 required to comply with Chapter 773 and applicable rules before
14 January 1, 2006.

15 (b) A person who is a licensed emergency medical services
16 provider immediately before the effective date of this Act must
17 meet the requirements of Section 773.042, Health and Safety Code,
18 as amended by this Act, on renewing the license.

19 SECTION 11. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 1126 was passed by the House on April 18, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1126 on May 27, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1126 on May 29, 2005, by a non-record vote; and that the House adopted H.C.R. No. 239 authorizing certain corrections in H.B. No. 1126 on May 30, 2005, by a non-record vote.

Chief Clerk of the House

H.B. No. 1126

I certify that H.B. No. 1126 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1126 on May 29, 2005, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 239 authorizing certain corrections in H.B. No. 1126 on May 30, 2005, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor