

SENATE AMENDMENTS

2nd Printing

By: Riddle, Martinez, Fletcher

H.B. No. 2845

A BILL TO BE ENTITLED

AN ACT

relating to the certification of and disciplinary actions against
emergency medical services personnel.

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

SECTION 1. Section 53.002, Occupations Code, is amended to
read as follows:

Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does
not apply to:

(1) the Supreme Court of Texas, a person licensed
under the court's authority on behalf of the judicial department of
government, or an applicant for a license issued under the court's
authority on behalf of the judicial department of government;

(2) a peace officer or an applicant for a license as a
peace officer described by Article 2.12, Code of Criminal
Procedure; ~~or~~

(3) an applicant for certification as emergency
medical services personnel under Chapter 773, Health and Safety
Code; or

(4) a person who:

(A) is licensed by the Texas ~~[State Board of]~~
Medical Board ~~[Examiners]~~, the Texas State Board of Pharmacy, the
State Board of Dental Examiners, or the State Board of Veterinary
Medical Examiners; and

(B) has been convicted of a felony under Chapter

481 or 483 or Section 485.033, Health and Safety Code.

SECTION 2. Section 773.050, Health and Safety Code, is amended by amending Subsections (b), (c), (d), (e), and (f) and adding Subsection (h) to read as follows:

(b) The executive commissioner [~~board~~] by rule shall establish minimum standards for:

(1) staffing an advanced life-support emergency medical services vehicle, a mobile intensive-care unit, or a specialized emergency medical services vehicle;

(2) emergency medical services personnel certification and performance, including provisional certification, certification, decertification, recertification, suspension, emergency suspension, and probation;

(3) the approval of courses and training programs, the certification of program instructors, examiners, and course coordinators for emergency medical services personnel training, and the revocation and probation of an approval or certification;

(4) examinations of emergency medical services personnel;

(5) medical supervision of basic and advanced life-support systems;

(6) granting, suspending, and revoking a license for emergency medical services providers; and

(7) emergency medical services vehicles.

(c) The executive commissioner [~~board~~] shall consider the education, training, criminal background, and experience of allied health professionals in adopting the minimum standards for

1 emergency medical services personnel certification and may
2 establish criteria for interstate reciprocity of emergency medical
3 services personnel. Each out-of-state application for
4 certification must be accompanied by a nonrefundable fee of not
5 more than \$120. The executive commissioner [~~board~~] may also
6 establish criteria for out-of-country emergency medical services
7 personnel certification. Each out-of-country application for
8 certification must be accompanied by a nonrefundable fee of not
9 more than \$180.

10 (d) The executive commissioner [~~board~~] may not adopt a rule
11 that requires any system, service, or agency to provide advanced
12 life-support or staffing beyond basic life-support levels except
13 for providers of:

- 14 (1) advanced life-support emergency medical services;
- 15 (2) mobile intensive care; or
- 16 (3) specialized emergency medical services.

17 (e) The executive commissioner [~~board~~] shall adopt minimum
18 standards for recognition of first responder organizations.

19 (f) The executive commissioner [~~board~~] shall recognize,
20 prepare, or administer continuing education programs for certified
21 personnel. A certificate holder must participate in the programs
22 to the extent required by the executive commissioner [~~board~~] to
23 remain certified.

24 (h) The department may provide a prescreening criminal
25 history record check for an emergency medical services personnel
26 applicant to determine the applicant's eligibility to receive
27 certification before completion of the educational and training

1 requirements mandated by the executive commissioner. The
2 department may charge a reasonable fee for the costs associated
3 with prescreening to each applicant who requests prescreening.

4 SECTION 3. Subchapter C, Chapter 773, Health and Safety
5 Code, is amended by adding Sections 773.0614, 773.0615, 773.0616,
6 and 773.0617 to read as follows:

7 Sec. 773.0614. AUTHORITY TO REVOKE, SUSPEND, DISQUALIFY
8 FOR, OR DENY CERTIFICATION OF EMERGENCY MEDICAL SERVICES PERSONNEL
9 FOR CERTAIN CRIMINAL OFFENSES. (a) In addition to the grounds
10 under Section 773.061, the commissioner may suspend or revoke a
11 certificate, disqualify a person from receiving a certificate, or
12 deny a person the opportunity to take a certification examination
13 on the grounds that the person has been convicted of, or placed on
14 deferred adjudication community supervision or deferred
15 disposition for, an offense that directly relates to the duties and
16 responsibilities of emergency medical services personnel.

17 (b) A certificate holder's certificate shall be revoked if
18 the certificate holder is convicted of, or placed on deferred
19 adjudication community supervision or deferred disposition for, an
20 offense listed in Sections 3g(a)(1)(A) through (H), Article 42.12,
21 Code of Criminal Procedure.

22 Sec. 773.0615. FACTORS CONSIDERED IN SUSPENSION,
23 REVOCATION, OR DENIAL OF CERTIFICATE. (a) In determining whether
24 an offense directly relates to the duties and responsibilities of
25 emergency medical services personnel under Section 773.0614(a),
26 the commissioner shall consider:

27 (1) the nature and seriousness of the crime;

1 (2) the relationship of the crime to the purposes for
2 requiring certification to engage in emergency medical services;

3 (3) the extent to which certification might offer an
4 opportunity to engage in further criminal activity of the same type
5 as that in which the person previously had been involved; and

6 (4) the relationship of the crime to the ability,
7 capacity, or fitness required to perform the duties and discharge
8 the responsibilities of emergency medical services personnel.

9 (b) In determining the fitness to perform the duties and
10 discharge the responsibilities of emergency medical services
11 personnel for a person who has been convicted of, or placed on
12 deferred adjudication community supervision or deferred
13 disposition for, a crime the commissioner shall consider, in
14 addition to the factors listed in Subsection (a):

15 (1) the extent and nature of the person's past criminal
16 activity;

17 (2) the age of the person when the crime was committed;

18 (3) the amount of time that has elapsed since the
19 person's last criminal activity;

20 (4) the conduct and work activity of the person before
21 and after the criminal activity;

22 (5) evidence of the person's rehabilitation or
23 rehabilitative effort while incarcerated, after release, or since
24 imposition of community supervision or deferred adjudication; and

25 (6) other evidence of the person's fitness, including
26 letters of recommendation from:

27 (A) prosecutors, law enforcement officers,

correctional officers, or community supervision officers who prosecuted, arrested, or had custodial or other responsibility for the person;

(B) the sheriff or chief of police in the community where the person resides; and

(C) any other person in contact with the person.

(c) The applicant or certificate holder has the responsibility, to the extent possible, to obtain and provide to the commissioner the recommendations of the persons required by Subsection (b)(6).

(d) In addition to providing evidence related to the factors under Subsection (b), the applicant or certificate holder shall furnish proof in the form required by the department that the applicant or certificate holder has:

(1) maintained a record of steady employment;

(2) supported the applicant's or certificate holder's dependents;

(3) maintained a record of good conduct; and

(4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant or certificate holder has been convicted, been placed on community supervision, or received deferred adjudication.

Sec. 773.0616. PROCEEDINGS GOVERNED BY ADMINISTRATIVE PROCEDURE ACT; GUIDELINES. (a) A proceeding before the commissioner to consider the issues under Section 773.0615 is governed by Chapter 2001, Government Code.

(b) The executive commissioner shall issue guidelines

1 relating to the commissioner's decision-making under Sections
2 773.0614 and 773.0615. The guidelines must state the reasons a
3 particular crime is considered to relate to emergency medical
4 services personnel and include any other criterion that may affect
5 the decisions of the commissioner.

6 (c) The executive commissioner shall file the guidelines
7 with the secretary of state for publication in the Texas Register.

8 (d) The department annually shall issue any amendments to
9 the guidelines.

10 Sec. 773.0617. NOTICE AND REVIEW OF SUSPENSION, REVOCATION,
11 DISQUALIFICATION FOR, OR DENIAL OF CERTIFICATION. (a) If the
12 commissioner suspends or revokes a certification, denies a person a
13 certificate, or denies the opportunity to be examined for a
14 certificate under Section 773.0614, the commissioner shall notify
15 the person in writing of:

16 (1) the reason for the suspension, revocation, denial,
17 or disqualification;

18 (2) the review procedure provided by Subsection (b);
19 and

20 (3) the earliest date the person may appeal the action
21 of the commissioner.

22 (b) A person whose certificate has been suspended or revoked
23 or who has been denied a certificate or the opportunity to take an
24 examination and who has exhausted the person's administrative
25 appeals may file an action in the district court in Travis County
26 for review of the evidence presented to the commissioner and the
27 decision of the commissioner.

1 (c) The petition for an action under Subsection (b) must be
2 filed not later than the 30th day after the date the commissioner's
3 decision is final.

4 SECTION 4. Not later than January 1, 2010, the executive
5 commissioner of the Health and Human Services Commission shall
6 issue the guidelines required by Section 773.0616(b), Health and
7 Safety Code, as added by this Act.

8 SECTION 5. The changes in law made by this Act to Chapter
9 773, Health and Safety Code, apply only to an application for
10 certification or renewal of certification of emergency medical
11 services personnel submitted on or after January 1, 2010.

12 SECTION 6. This Act takes effect September 1, 2009.

ADOPTED

MAY 27 2009

Atty Gen
Secretary of the Senate

By: Nichols

H.B. No. 2845

Substitute the following for H.B. No. 2845:

By: [Signature]

C.S. H.B. No. 2845

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9 (1) the Supreme Court of Texas, a person licensed
10 under the court's authority on behalf of the judicial department of
11 government, or an applicant for a license issued under the court's
12 authority on behalf of the judicial department of government;

13 (2) a peace officer or an applicant for a license as a
14 peace officer described by Article 2.12, Code of Criminal
15 Procedure; ~~[or]~~

16 (3) an applicant for certification as emergency
17 medical services personnel under Chapter 773, Health and Safety
18 Code; or

19 (4) a person who:

20 (A) is licensed by the Texas ~~[State Board of]~~
21 Medical Board ~~[Examiners]~~, the Texas State Board of Pharmacy, the
22 State Board of Dental Examiners, or the State Board of Veterinary
23 Medical Examiners; and

24 (B) has been convicted of a felony under Chapter

1 481 or 483 or Section 485.033, Health and Safety Code.

2 SECTION 2. Section 773.050, Health and Safety Code, is
3 amended by amending Subsections (b), (c), (d), (e), and (f) and
4 adding Subsection (h) to read as follows:

5 (b) The executive commissioner [~~board~~] by rule shall
6 establish minimum standards for:

7 (1) staffing an advanced life-support emergency
8 medical services vehicle, a mobile intensive-care unit, or a
9 specialized emergency medical services vehicle;

10 (2) emergency medical services personnel
11 certification and performance, including provisional
12 certification, certification, decertification, recertification,
13 suspension, emergency suspension, and probation;

14 (3) the approval of courses and training programs, the
15 certification of program instructors, examiners, and course
16 coordinators for emergency medical services personnel training,
17 and the revocation and probation of an approval or certification;

18 (4) examinations of emergency medical services
19 personnel;

20 (5) medical supervision of basic and advanced
21 life-support systems;

22 (6) granting, suspending, and revoking a license for
23 emergency medical services providers; and

24 (7) emergency medical services vehicles.

25 (c) The executive commissioner [~~board~~] shall consider the
26 education, training, criminal background, and experience of allied
27 health professionals in adopting the minimum standards for

1 emergency medical services personnel certification and may
2 establish criteria for interstate reciprocity of emergency medical
3 services personnel. Each out-of-state application for
4 certification must be accompanied by a nonrefundable fee of not
5 more than \$120. The executive commissioner [~~board~~] may also
6 establish criteria for out-of-country emergency medical services
7 personnel certification. Each out-of-country application for
8 certification must be accompanied by a nonrefundable fee of not
9 more than \$180.

10 (d) The executive commissioner [~~board~~] may not adopt a rule
11 that requires any system, service, or agency to provide advanced
12 life-support or staffing beyond basic life-support levels except
13 for providers of:

- 14 (1) advanced life-support emergency medical services;
15 (2) mobile intensive care; or
16 (3) specialized emergency medical services.

17 (e) The executive commissioner [~~board~~] shall adopt minimum
18 standards for recognition of first responder organizations.

19 (f) The executive commissioner [~~board~~] shall recognize,
20 prepare, or administer continuing education programs for certified
21 personnel. A certificate holder must participate in the programs
22 to the extent required by the executive commissioner [~~board~~] to
23 remain certified.

24 (h) The department may provide a prescreening criminal
25 history record check for an emergency medical services personnel
26 applicant to determine the applicant's eligibility to receive
27 certification before enrollment in the educational and training

1 requirements mandated by the executive commissioner. The
2 department may charge a reasonable fee for the costs associated
3 with prescreening to each applicant who requests prescreening.

4 SECTION 3. Subchapter C, Chapter 773, Health and Safety
5 Code, is amended by adding Sections 773.0614, 773.0615, 773.0616,
6 and 773.0617 to read as follows:

7 Sec. 773.0614. AUTHORITY TO REVOKE, SUSPEND, DISQUALIFY
8 FOR, OR DENY CERTIFICATION OF EMERGENCY MEDICAL SERVICES PERSONNEL
9 FOR CERTAIN CRIMINAL OFFENSES. (a) In addition to the grounds
10 under Section 773.061, the commissioner may suspend or revoke a
11 certificate, disqualify a person from receiving a certificate, or
12 deny a person the opportunity to take a certification examination
13 on the grounds that the person has been convicted of, or placed on
14 deferred adjudication community supervision or deferred
15 disposition for, an offense that directly relates to the duties and
16 responsibilities of emergency medical services personnel.

17 (b) For purposes of Subsection (a), the department may not
18 consider offenses for which points are assessed under Section
19 708.052, Transportation Code.

20 (c) A certificate holder's certificate shall be revoked if
21 the certificate holder is convicted of or placed on deferred
22 adjudication community supervision or deferred disposition for:

23 (1) an offense listed in Sections 3q(a)(1)(A) through
24 (H), Article 42.12, Code of Criminal Procedure; or

25 (2) an offense, other than an offense described by
26 Subdivision (1), committed on or after September 1, 2009, for which
27 the person is subject to registration under Chapter 62, Code of

1 Criminal Procedure.

2 Sec. 773.0615. FACTORS CONSIDERED IN SUSPENSION,
3 REVOCATION, OR DENIAL OF CERTIFICATE. (a) In determining whether
4 an offense directly relates to the duties and responsibilities of
5 emergency medical services personnel under Section 773.0614(a),
6 the commissioner shall consider:

7 (1) the nature and seriousness of the crime;

8 (2) the relationship of the crime to the purposes for
9 requiring certification to engage in emergency medical services;

10 (3) the extent to which certification might offer an
11 opportunity to engage in further criminal activity of the same type
12 as that in which the person previously had been involved; and

13 (4) the relationship of the crime to the ability,
14 capacity, or fitness required to perform the duties and discharge
15 the responsibilities of emergency medical services personnel.

16 (b) In determining the fitness to perform the duties and
17 discharge the responsibilities of emergency medical services
18 personnel for a person who has been convicted of, or placed on
19 deferred adjudication community supervision or deferred
20 disposition for, a crime the commissioner shall consider, in
21 addition to the factors listed in Subsection (a):

22 (1) the extent and nature of the person's past criminal
23 activity;

24 (2) the age of the person when the crime was committed;

25 (3) the amount of time that has elapsed since the
26 person's last criminal activity;

27 (4) the conduct and work activity of the person before

1 and after the criminal activity;

2 (5) evidence of the person's rehabilitation or
3 rehabilitative effort while incarcerated, after release, or since
4 imposition of community supervision or deferred adjudication; and

5 (6) other evidence of the person's fitness, including
6 letters of recommendation from:

7 (A) prosecutors, law enforcement officers,
8 correctional officers, or community supervision officers who
9 prosecuted, arrested, or had custodial or other responsibility for
10 the person;

11 (B) the sheriff or chief of police in the
12 community where the person resides; and

13 (C) any other person in contact with the person.

14 (c) The applicant or certificate holder has the
15 responsibility, to the extent possible, to obtain and provide to
16 the commissioner the recommendations of the persons required by
17 Subsection (b)(6).

18 (d) In addition to providing evidence related to the factors
19 under Subsection (b), the applicant or certificate holder shall
20 furnish proof in the form required by the department that the
21 applicant or certificate holder has:

22 (1) maintained a record of steady employment;

23 (2) supported the applicant's or certificate holder's
24 dependents;

25 (3) maintained a record of good conduct; and

26 (4) paid all outstanding court costs, supervision
27 fees, fines, and restitution ordered in any criminal case in which

1 the applicant or certificate holder has been convicted, been placed
2 on community supervision, or received deferred adjudication.

3 Sec. 773.0616. PROCEEDINGS GOVERNED BY ADMINISTRATIVE
4 PROCEDURE ACT; GUIDELINES. (a) A proceeding before the
5 commissioner to consider the issues under Section 773.0615 is
6 governed by Chapter 2001, Government Code.

7 (b) The executive commissioner shall issue guidelines
8 relating to the commissioner's decision-making under Sections
9 773.0614 and 773.0615. The guidelines must state the reasons a
10 particular crime is considered to relate to emergency medical
11 services personnel and include any other criterion that may affect
12 the decisions of the commissioner.

13 (c) The executive commissioner shall file the guidelines
14 with the secretary of state for publication in the Texas Register.

15 (d) The department annually shall issue any amendments to
16 the guidelines.

17 Sec. 773.0617. NOTICE AND REVIEW OF SUSPENSION, REVOCATION,
18 DISQUALIFICATION FOR, OR DENIAL OF CERTIFICATION. (a) If the
19 commissioner suspends or revokes a certification, denies a person a
20 certificate, or denies the opportunity to be examined for a
21 certificate under Section 773.0614, the commissioner shall notify
22 the person in writing of:

23 (1) the reason for the suspension, revocation, denial,
24 or disqualification;

25 (2) the review procedure provided by Subsection (b);
26 and

27 (3) the earliest date the person may appeal the action

1 of the commissioner.

2 **(b) A person whose certificate has been suspended or revoked**
3 **or who has been denied a certificate or the opportunity to take an**
4 **examination and who has exhausted the person's administrative**
5 **appeals may file an action in the district court in Travis County**
6 **for review of the evidence presented to the commissioner and the**
7 **decision of the commissioner.**

8 **(c) The petition for an action under Subsection (b) must be**
9 **filed not later than the 30th day after the date the commissioner's**
10 **decision is final.**

11 SECTION 4. Not later than January 1, 2010, the executive
12 commissioner of the Health and Human Services Commission shall
13 issue the guidelines required by Section 773.0616(b), Health and
14 Safety Code, as added by this Act.

15 SECTION 5. The changes in law made by this Act to Chapter
16 773, Health and Safety Code, apply only to an application for
17 certification or renewal of certification of emergency medical
18 services personnel submitted on or after January 1, 2010.

19 SECTION 6. This Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2845 by Riddle (Relating to the certification of and disciplinary actions against emergency medical services personnel.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2845, As Passed 2nd House: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Change in Number of State Employees from FY 2009
2010	\$13,568	(\$13,568)	0.2
2011	\$20,250	(\$20,250)	0.3
2012	\$20,250	(\$20,250)	0.3
2013	\$20,250	(\$20,250)	0.3
2014	\$20,250	(\$20,250)	0.3

Fiscal Analysis

The bill would amend Chapter 773, Health and Safety Code, to authorize the Department of State Health Services (DSHS) to provide, upon request, a prescreening criminal history check for an emergency medical services personnel applicant prior to the applicant's enrollment in the educational and training requirements for certification. DSHS would be authorized to charge the applicant a reasonable fee for the costs associated with the requested prescreening. The bill would also remove the applicability of Chapter 53, Occupations Code, to individuals applying for emergency medical services personnel certification. The bill would instead provide authority in Chapter 773 for DSHS to revoke, suspend, disqualify for, or deny certification of emergency medical services personnel for certain criminal offenses.

The bill would take effect September 1, 2009; however, the authorization to provide prescreenings would apply only to an application submitted on or after January 1, 2010.

Methodology

DSHS indicates that 4,500 emergency medical services personnel are certified each year and estimates that 15 percent would request a prescreening (675 applicants per year). Calculations assume a \$30 fee paid by each applicant who requests a criminal history prescreening. The bill would result in a total increase in revenue of \$13,568 in fiscal year 2010 and \$20,250 for each fiscal year thereafter from the prescreening fee paid by the applicant. DSHS would reimburse the Department of Public Safety for the \$1 name check fee for each applicant.

DSHS would require 0.2 FTEs for fiscal year 2010 and 0.3 FTEs for each fiscal year thereafter. FTE costs would total \$13,568 in General Revenue Funds for fiscal year 2010 and \$20,250 for each fiscal year thereafter.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of

LBB Staff: JOB, SZ, CL, DB, VJC, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2845** by Riddle (Relating to the certification of and disciplinary actions against emergency medical services personnel.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2845, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
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2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	\$13,568	(\$13,568)	0.2
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Fiscal Analysis

The bill would amend Chapter 773, Health and Safety Code, to authorize the Department of State Health Services (DSHS) to provide, upon request, a prescreening criminal history check for an emergency medical services personnel applicant prior to the applicant's enrollment in the educational and training requirements for certification. DSHS would be authorized to charge the applicant a reasonable fee for the costs associated with the requested prescreening. The bill would also remove the applicability of Chapter 53, Occupations Code, to individuals applying for emergency medical services personnel certification. The bill would instead provide authority in Chapter 773 for DSHS to revoke, suspend, disqualify for, or deny certification of emergency medical services personnel for certain criminal offenses.

The bill would take effect September 1, 2009; however, the authorization to provide prescreenings would apply only to an application submitted on or after January 1, 2010.

Methodology

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of
LBB Staff: JOB, CL, DB, VJC, MB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 18, 2009

TO: Honorable Jane Nelson, Chair, Senate Committee on Health & Human Services

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2845 by Riddle (Relating to the certification of and disciplinary actions against emergency medical services personnel.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2845, As Engrossed: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010 ¹	\$0
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2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
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Fiscal Analysis

The bill would amend Chapter 773, Health and Safety Code, to authorize the Department of State Health Services (DSHS) to provide, upon request, a prescreening criminal history check for an emergency medical services personnel applicant prior to the applicant's completion of the educational and training requirements for certification. DSHS would be authorized to charge the applicant a reasonable fee for the costs associated with the requested prescreening. The bill would also remove the applicability of Chapter 53, Occupations Code, to individuals applying for emergency medical services personnel certification. The bill would instead provide authority in Chapter 773 for DSHS to revoke, suspend, disqualify for, or deny certification of emergency medical services personnel for certain criminal offenses.

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Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of
LBB Staff: JOB, CL, DB, VJC, MB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 19, 2009

TO: Honorable Yvonne Davis, Chair, House Committee on Urban Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2845** by Riddle (Relating to the certification of and disciplinary actions against emergency medical services personnel.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2845, As Introduced: an impact of \$0 through the biennium ending August 31, 2011.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain from <i>General Revenue Fund</i> 1	Probable (Cost) from <i>General Revenue Fund</i> 1	Change in Number of State Employees from FY 2009
2010	\$13,568	(\$13,568)	0.2
2011	\$20,250	(\$20,250)	0.3
2012	\$20,250	(\$20,250)	0.3
2013	\$20,250	(\$20,250)	0.3
2014	\$20,250	(\$20,250)	0.3

Fiscal Analysis

The bill would amend Chapter 773, Health and Safety Code, to authorize the Department of State Health Services (DSHS) to provide, upon request, a prescreening criminal history check for an emergency medical services personnel applicant prior to the applicant's completion of the educational and training requirements for certification. DSHS would be authorized to charge the applicant a reasonable fee for the costs associated with the requested prescreening. The bill would also remove the applicability of Chapter 53, Occupations Code, to individuals applying for emergency medical services personnel certification. The bill would instead provide authority in Chapter 773 for DSHS to revoke, suspend, disqualify for, or deny certification of emergency medical services personnel for certain criminal offenses.

The bill would take effect September 1, 2009; however, the authorization to provide prescreenings would apply only to an application submitted on or after January 1, 2010.



Methodology

DSHS indicates that 4,500 emergency medical services personnel are certified each year and estimates that 15 percent would request a prescreening (675 applicants per year). Calculations assume a \$30 fee paid by each applicant who requests a criminal history prescreening. The bill would result in a total increase in revenue of \$13,568 in fiscal year 2010 and \$20,250 for each fiscal year thereafter from the prescreening fee paid by the applicant. DSHS would reimburse the Department of Public Safety for the \$1 name check fee for each applicant.

DSHS would require 0.2 FTEs for fiscal year 2010 and 0.3 FTEs for each fiscal year thereafter. FTE costs would total \$13,568 in General Revenue Funds for fiscal year 2010 and \$20,250 for each fiscal year thereafter.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 537 State Health Services, Department of

LBB Staff: JOB, DB, VJC, MB