

BILL ANALYSIS

C.S.H.B. 2426
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that there is currently only one national certifying and testing organization for state certification of emergency medical services personnel in Texas and that this single organization system has created some unintended consequences. For example, not only does the system pose the threat of one company monopolizing the industry, it also overlooks the unique circumstances emergency responders face in providing services in different regions of the state. For instance, emergency medical responders in large, urban metro-areas may not always face the same challenges that emergency medical responders face in rural areas. C.S.H.B. 2426 seeks to address this issue by creating a process through which programs of various national certifying and testing organizations will be considered for purposes of establishing a statewide standardized training and examination program for emergency medical services personnel.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 3 of this bill.

ANALYSIS

C.S.H.B. 2426 amends the Health and Safety Code to require the advisory council established under the Emergency Health Care Act to develop and submit to the commissioner of state health services for approval a process for evaluating national testing and certifying organizations to be used by the Department of State Health Services (DSHS) in providing statewide certification examinations for emergency medical services personnel. The bill requires the advisory council, in developing the evaluation process, to include criteria to ensure that an approved organization tests and certifies emergency medical services personnel based on the national emergency medical services education standards of the U.S. Department of Transportation or on similar emergency medical services education standards specified by the commissioner, that the organization provides a valid testing procedure and appropriate testing content, and that the organization's certification examination is based on the national emergency medical services education standards and includes procedures to test practical skills proficiency or for the attestation of practical skills proficiency as required by the initial education program for emergency services personnel.

C.S.H.B. 2426 requires the advisory council, using the process developed and approved under the bill's provisions, to evaluate each request for approval to provide statewide certification examinations for emergency medical services personnel that is submitted by a national testing and certifying organization and to submit to the commissioner the advisory council's recommendation on whether DSHS should approve an organization's request to provide the examinations not later than six months after the date a request for consideration from the organization is received by the advisory council. The bill requires the commissioner, not later than the 60th day after the date the commissioner receives a recommendation made by the advisory council, to determine whether to approve the recommended organization to provide the

examinations.

C.S.H.B. 2426 requires the commissioner to consider and approve not more than three national testing and certifying organizations recommended by the advisory council for the certification and recertification of emergency medical services personnel and requires a statewide certification examination approved by the commissioner to meet the requirements specified in the bill's provisions. The bill requires the commissioner, in establishing minimum standards relating to the provision of emergency medical services, to establish standards for the recertification of emergency medical services personnel that allow personnel to qualify for recertification by complying with one of the following options: passing a statewide certification examination approved by the commissioner; successfully completing the continuing education requirements established by DSHS, which may not exceed the maximum number of education hours required by an approved national testing and certifying organization to ensure competency of emergency medical services personnel; holding a current certification issued by a national certification organization approved by the commissioner; and successfully completing a formal recertification course that complies with the minimum hours and standards established by DSHS, which may not exceed the maximum number of education hours required by an approved national testing and certifying organization to ensure competency of emergency medical services personnel.

C.S.H.B. 2426 requires the advisory council, not later than January 1, 2014, to develop and provide to the commissioner of state health services the proposed process for evaluating national testing and certifying organizations to be approved by DSHS to provide statewide certification examinations for emergency medical services personnel and requires the commissioner, not later than March 1, 2014, to approve an evaluation process. The bill requires the commissioner, not later than January 1, 2014, to establish the standards for the recertification of emergency medical services personnel. The bill requires the executive commissioner of the Health and Human Services Commission, not later than March 1, 2014, to adopt rules required to implement the bill's provisions relating to the certification and recertification requirements for emergency medical personnel. The bill's provisions apply to an emergency medical services personnel certification or recertification application submitted on or after September 1, 2014.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2426 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 773.012, Health and Safety Code, is amended by adding Subsection (m) to read as follows:

(m) The advisory council shall create and provide to the commissioner a list of recommended standardized training programs and standardized certification examinations to be used by the department to create a statewide standardized training and examination program for emergency

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 773.012, Health and Safety Code, is amended by adding Subsections (m), (n), and (o) to read as follows:

(m) The advisory council shall develop and submit to the commissioner for approval a process for evaluating national testing and certifying organizations to be used by the department in providing statewide certification examinations for emergency medical services personnel. In developing

medical services personnel. The council shall ensure that:

(1) each included standardized training program is consistent with the

emergency medical services education standards of the United States Department of Transportation or of another emergency medical services agency specified by the commissioner; and

(2) each included standardized certification examination:

(A) examines material comparable to the material examined in tests conducted by national testing organizations that certify emergency medical services personnel;

(B) is based on the education standards described in Subdivision (1);

(C) includes procedures to test practical skills proficiency; and

(D) is certified as valid by an organization the council determines is capable of determining testing procedure and testing content validity.

No equivalent provision.

the evaluation process, the council shall include criteria to ensure that:

(1) an approved organization tests and certifies emergency medical services personnel based on the national emergency medical services education standards of the United States Department of Transportation or on similar emergency medical services education standards specified by the commissioner;

(2) an approved organization provides a valid testing procedure and appropriate testing content; and

(3) an approved organization's certification examination:

(A) is based on the national emergency medical services education standards described in Subdivision (1); and

(B) includes procedures to test practical skills proficiency or for the attestation of practical skills proficiency as required by the initial education program for emergency medical services personnel.

(n) Using the approval process developed and approved under Subsection (m), the advisory council shall:

(1) evaluate each request for approval to provide statewide certification examinations for emergency medical services personnel that is submitted by a national testing and certifying organization; and

(2) submit to the commissioner the advisory council's recommendation on whether the department should approve a national testing and certifying organization's request to provide statewide certification examinations for emergency medical services personnel not later than six months after the date a request for consideration

No equivalent provision.

SECTION 2. Subchapter C, Chapter 773, Health and Safety Code, is amended by adding Section 773.0541 to read as follows:
Sec. 773.0541. CERTIFICATION AND RECERTIFICATION REQUIREMENTS FOR EMERGENCY MEDICAL PERSONNEL.

(a) The commissioner shall consider and approve not more than three statewide standardized certification examinations that are included in the list recommended by the advisory council under Section 773.012(m) for the certification and recertification of emergency medical services personnel. A standardized certification examination approved by the commissioner must meet the requirements specified in that subsection.

(b) In establishing minimum standards under Section 773.050, the commissioner shall establish standards for the recertification of emergency medical services personnel that include the following options:

- (1) passing an examination approved by the commissioner;
- (2) completing the continuing education requirements established by the department, which may not exceed the maximum number of education hours required for initial certification;
- (3) holding a current certification issued by a national certification organization approved by the commissioner; and
- (4) successfully completing a formal recertification course that complies with the minimum hours and standards established

from an organization is received by the council.

(o) Not later than the 60th day after the date the commissioner receives a recommendation made by the advisory council under Subsection (n), the commissioner shall determine whether to approve the recommended national testing and certifying organization to provide statewide certification examinations for emergency medical services personnel.

SECTION 2. Subchapter C, Chapter 773, Health and Safety Code, is amended by adding Section 773.0541 to read as follows:
Sec. 773.0541. CERTIFICATION AND RECERTIFICATION REQUIREMENTS FOR EMERGENCY MEDICAL PERSONNEL.

(a) The commissioner shall consider and approve not more than three national testing and certifying organizations

recommended by the advisory council under Section 773.012(n) for the certification and recertification of emergency medical services personnel. A statewide certification examination approved by the commissioner must meet the requirements specified in Section 773.012(m).

(b) In establishing minimum standards under Section 773.050, the commissioner shall establish standards for the recertification of emergency medical services personnel that allow personnel to qualify for recertification by complying with one of the following options:

- (1) passing a statewide certification examination approved by the commissioner;
- (2) successfully completing the continuing education requirements established by the department, which may not exceed the maximum number of education hours required by an approved national testing and certifying organization to ensure competency of emergency medical services personnel;
- (3) holding a current certification issued by a national certifying organization approved by the commissioner; and
- (4) successfully completing a formal recertification course that complies with the minimum hours and standards established

by the department.

SECTION 3. Section 773.056, Health and Safety Code, is amended to read as follows:
Sec. 773.056. APPROVAL OF TRAINING PROGRAMS; CERTIFICATION OF INSTRUCTORS, EXAMINERS, AND COORDINATORS. (a) The department shall approve one or more statewide standardized training programs that:

(1) are included in the list recommended by the advisory council under Section 773.012(m);

(2) are consistent with the emergency medical services education standards of the United States Department of Transportation or of another emergency medical services agency specified by the commissioner; and

(3) meet [each course or training program that meets] the minimum standards adopted under Section 773.050.

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

SECTION 4. (a) Not later than March 1, 2014, the advisory council appointed under Section 773.012, Health and Safety Code, as added by this Act, shall compile and provide to the commissioner of state health services the list of standardized training programs or standardized certification examinations for emergency medical services personnel as required by Section 773.012(m), Health and Safety Code, as added by this Act.

(b) Not later than September 1, 2014, the commissioner of state health services shall approve a statewide standardized certification examination for emergency medical services personnel as required by Section 773.0541, Health and Safety Code, as added by this Act.

by the department, which may not exceed the maximum number of education hours required by an approved national testing and certifying organization to ensure competency of emergency medical services personnel.

No equivalent provision.

SECTION 3. (a) Not later than January 1, 2014, the advisory council appointed under Section 773.012, Health and Safety Code, shall develop and provide to the commissioner of state health services the proposed process for evaluating national testing and certifying organizations to be approved by the department to provide statewide certification examinations for emergency medical services personnel as required by Section 773.012(m), Health and Safety Code, as added by this Act.

(b) Not later than March 1, 2014, the commissioner of state health services shall approve an evaluation process described by Subsection (a) of this section as required by Section 773.012(o), Health and Safety Code, as added by this Act.

(c) Not later than September 1, 2014, the commissioner of state health services shall approve statewide standardized training programs for emergency medical services personnel and establish the standards for recertification of emergency medical services personnel, as required under Section 773.0541, Health and Safety Code, as added by this Act.

(d) Not later than September 1, 2014, the executive commissioner of the Health and Human Services Commission shall:

(1) adopt rules required to implement Section 773.0541, Health and Safety Code, as added by this Act; and

(2) adopt rules required to implement Section 773.056, Health and Safety Code, as amended by this Act.

(e) The changes in law made by this Act apply only to an emergency medical services personnel certification or recertification application submitted on or after September 1, 2014. An application submitted before that date is governed by the law in effect immediately before the effective date of this Act and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

(c) Not later than January 1, 2014, the commissioner of state health services shall establish the standards for recertification of emergency medical services personnel, as required under Section 773.0541, Health and Safety Code, as added by this Act.

(d) Not later than March 1, 2014, the executive commissioner of the Health and Human Services Commission shall adopt rules required to implement Section 773.0541, Health and Safety Code, as added by this Act.

(e) The changes in law made by this Act apply only to an emergency medical services personnel certification or recertification application submitted on or after September 1, 2014. An application submitted before that date is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. Same as introduced version.