

By: Raymond

H.B. No. 1342

A BILL TO BE ENTITLED

AN ACT

relating to the requirements for obtaining an emergency medical services provider license.

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

SECTION 1. Section 773.0571, Health and Safety Code, is amended to read as follows:

Sec. 773.0571. REQUIREMENTS FOR PROVIDER LICENSE. The department shall issue to an emergency medical services provider applicant a license that is valid for two years if the department is satisfied that:

(1) the applicant [~~emergency medical services provider~~] has adequate staff to meet the staffing standards prescribed by this chapter and the rules adopted under this chapter;

(2) each emergency medical services vehicle is adequately constructed, equipped, maintained, and operated to render basic or advanced life support services safely and efficiently;

(3) the applicant [~~emergency medical services provider~~] offers safe and efficient services for emergency prehospital care and transportation of patients; ~~and~~

(4) the applicant:

(A) possesses sufficient professional experience and qualifications to provide emergency medical services; and

1 (B) has not been excluded from participation in
2 the state Medicaid program;

3 (5) the applicant holds a certificate of local need
4 and necessity issued under Section 773.0573 by the governing body
5 of the municipality or the commissioners court of the county in
6 which the applicant is applying to provide emergency medical
7 services, as applicable; and

8 (6) [(4)] the applicant [emergency medical services
9 provider] complies with the rules adopted [by the board] under this
10 chapter.

11 SECTION 2. Subchapter C, Chapter 773, Health and Safety
12 Code, is amended by adding Section 773.0573 to read as follows:

13 Sec. 773.0573. CERTIFICATE OF LOCAL NEED AND NECESSITY.

14 (a) An emergency medical services provider applicant must obtain a
15 certificate of local need and necessity from:

16 (1) the governing body of the municipality in which
17 the applicant is located and is applying to provide emergency
18 medical services; or

19 (2) if the applicant is not located in a municipality,
20 the commissioners court of the county in which the applicant is
21 located and is applying to provide emergency medical services.

22 (b) A governing body of a municipality or a commissioners
23 court of a county may issue a certificate of local need and
24 necessity to an emergency medical services provider applicant who
25 is applying to provide emergency medical services in the
26 municipality or county only if the governing body or commissioners
27 court determines that:

1 (1) the addition of another licensed emergency medical
2 services provider will not interfere with or adversely affect the
3 provision of emergency medical services by the licensed emergency
4 medical services providers operating in the municipality or county;

5 (2) the addition of another licensed emergency medical
6 services provider will remedy an existing provider shortage that
7 cannot be resolved through the use of the licensed emergency
8 medical services providers operating in the municipality or county;
9 and

10 (3) the addition of another licensed emergency medical
11 services provider will not cause an oversupply of licensed
12 emergency medical services providers in the municipality or county.

13 (c) This section does not apply to:

14 (1) renewal of an emergency medical services provider
15 license; or

16 (2) a municipality, county, emergency medical
17 services district, hospital, or emergency medical services
18 volunteer provider organization in this state that applies for an
19 emergency medical services provider license.

20 SECTION 3. The change in law made by this Act applies only
21 to an application for approval of an emergency medical services
22 provider license submitted to the Department of State Health
23 Services on or after the effective date of this Act. An application
24 submitted before the effective date of this Act is governed by the
25 law in effect immediately before the effective date of this Act, and
26 that law is continued in effect for that purpose.

27 SECTION 4. This Act takes effect September 1, 2013.