

By: Kolkhorst

H.B. No. 3556

Substitute the following for H.B. No. 3556:

By: Naishtat

C.S.H.B. No. 3556

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensing and regulation of emergency medical
3 services providers and a moratorium on the issuance of emergency
4 medical services provider licenses.

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

6 SECTION 1. Subchapter C, Chapter 773, Health and Safety
7 Code, is amended by adding Sections 773.05711, 773.05712, and
8 773.05713 to read as follows:

9 Sec. 773.05711. ADDITIONAL EMERGENCY MEDICAL SERVICES
10 PROVIDER LICENSE REQUIREMENTS. (a) In addition to the
11 requirements for obtaining or renewing an emergency medical
12 services provider license under this subchapter, a person who
13 applies for a license or for a renewal of a license must:

14 (1) provide the department with a letter of credit
15 issued by a federally insured bank or savings institution in the
16 amount of:

17 (A) \$100,000 for the initial license and for
18 renewal of the license on the second anniversary of the date the
19 initial license is issued;

20 (B) \$75,000 for renewal of the license on the
21 fourth anniversary of the date the initial license is issued;

22 (C) \$50,000 for renewal of the license on the
23 sixth anniversary of the date the initial license is issued; and

24 (D) \$25,000 for renewal of the license on the

1 eighth anniversary of the date the initial license is issued and
2 each subsequent renewal;

3 (2) provide the department with a surety bond in the
4 amount of:

5 (A) \$50,000 for the initial license and for
6 renewal of the license on the second anniversary of the date the
7 initial license is issued;

8 (B) \$25,000 for renewal of the license on the
9 fourth anniversary of the date the initial license is issued; and

10 (C) \$10,000 for renewal of the license on the
11 sixth anniversary of the date the initial license is issued and each
12 subsequent renewal; and

13 (3) submit for approval by the department the name and
14 contact information of the provider's administrator of record who
15 satisfies the requirements under Section 773.05712.

16 (b) An emergency medical services provider that is directly
17 operated by a governmental entity is exempt from this section.

18 Sec. 773.05712. ADMINISTRATOR OF RECORD. (a) The
19 administrator of record for an emergency medical services provider
20 licensed under this subchapter:

21 (1) may not be employed or otherwise compensated by
22 another private for-profit emergency medical services provider;

23 (2) must meet the qualifications required for an
24 emergency medical technician or other health care professional
25 license or certification issued by this state; and

26 (3) must submit to a criminal history record check at
27 the applicant's expense.

1 (b) Section 773.0415 does not apply to information an
2 administrator of record is required to provide under this section.

3 (c) An administrator of record initially approved by the
4 department may be required to complete an education course for new
5 administrators of record. The executive commissioner shall
6 recognize, prepare, or administer the education course for new
7 administrators of record, which must include information about the
8 laws and department rules that affect emergency medical services
9 providers.

10 (d) An administrator of record approved by the department
11 under Section 773.05711(a) annually must complete at least eight
12 hours of continuing education following initial approval. The
13 executive commissioner shall recognize, prepare, or administer
14 continuing education programs for administrators of record, which
15 must include information about changes in law and department rules
16 that affect emergency medical services providers.

17 (e) An emergency medical services provider that is directly
18 operated by a governmental entity is exempt from this section.

19 Sec. 773.05713. REPORT TO LEGISLATURE. Not later than
20 December 1 of each even-numbered year, the department shall
21 electronically submit a report to the lieutenant governor, the
22 speaker of the house of representatives, and the standing
23 committees of the house and senate with jurisdiction over the
24 department on the effect of Sections 773.05711 and 773.05712 that
25 includes:

26 (1) the total number of applications for emergency
27 medical services provider licenses submitted to the department and

1 the number of applications for which licenses were issued or
2 licenses were denied by the department;

3 (2) the number of emergency medical services provider
4 licenses that were suspended or revoked by the department for
5 violations of those sections and a description of the types of
6 violations that led to the license suspension or revocation;

7 (3) the number of occurrences and types of fraud
8 committed by licensed emergency medical services providers related
9 to those sections;

10 (4) the number of complaints made against licensed
11 emergency medical services providers for violations of those
12 sections and a description of the types of complaints; and

13 (5) the status of any coordination efforts of the
14 department and the Texas Medical Board related to those sections.

15 SECTION 2. Subchapter C, Chapter 773, Health and Safety
16 Code, is amended by adding Section 773.06141 to read as follows:

17 Sec. 773.06141. SUSPENSION, REVOCATION, OR DENIAL OF
18 EMERGENCY MEDICAL SERVICES PROVIDER LICENSE. The commissioner may
19 suspend, revoke, or deny an emergency medical services provider
20 license on the grounds that the provider's administrator of record,
21 employee, or other representative:

22 (1) has been convicted of, or placed on deferred
23 adjudication community supervision or deferred disposition for, an
24 offense that directly relates to the duties and responsibilities of
25 the administrator, employee, or representative, other than an
26 offense for which points are assigned under Section 708.052,
27 Transportation Code;

1 (2) has been convicted of or placed on deferred
2 adjudication community supervision or deferred disposition for an
3 offense, including:

4 (A) an offense listed in Sections 3g(a)(1)(A)
5 through (H), Article 42.12, Code of Criminal Procedure; or

6 (B) an offense, other than an offense described
7 by Subdivision (1), for which the person is subject to registration
8 under Chapter 62, Code of Criminal Procedure; or

9 (3) has been convicted of Medicare or Medicaid fraud,
10 has been excluded from participation in the state Medicaid program,
11 or has a hold on payment for reimbursement under the state Medicaid
12 program under Subchapter C, Chapter 531, Government Code.

13 SECTION 3. Notwithstanding Chapter 773, Health and Safety
14 Code, as amended by this Act, the Department of State Health
15 Services may not issue any new emergency medical services provider
16 licenses for the period beginning on September 1, 2013, and ending
17 on February 28, 2015. The moratorium does not apply to the issuance
18 of an emergency medical services provider license to a
19 municipality, county, emergency services district, hospital, or
20 emergency medical services volunteer provider organization in this
21 state, or to an emergency medical services provider applicant who
22 is applying to provide services in response to 9-1-1 calls and is
23 located in a rural area, as that term is defined in Section
24 773.0045, Health and Safety Code.

25 SECTION 4. The change in law made by this Act applies only
26 to an application for approval or renewal of an emergency medical
27 services provider license submitted to the Department of State

1 Health Services on or after the effective date of this Act. An
2 application submitted before the effective date of this Act is
3 governed by the law in effect immediately before the effective date
4 of this Act, and that law is continued in effect for that purpose.

5 SECTION 5. This Act takes effect September 1, 2013.