

BILL ANALYSIS

Senate Research Center

S.B. 1899
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Health & Human Services
6/29/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, paramedics are underutilized in hospitals and urgent care facilities. S.B. 1899 is intended to give hospitals and urgent care facilities the option of allowing paramedics to use their skill set in emergency rooms and urgent care clinics if approved by the physician and the facility.

S.B. 1899 gives hospitals and urgent care facilities the option to take advantage of the assessment and triage skills paramedics possess.

The substitute for S.B. 1899 further clarifies the bill by defining "advanced life support." It further limits the bill by requiring direct supervision and delegation of a physician.

S.B. 1899 amends current law relating to the regulation of emergency medical services.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 8 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 773, Health and Safety Code, by adding Section 773.0496, as follows:

Sec. 773.0496. SCOPE OF EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC AND LICENSED PARAMEDIC DUTIES. (a) Defines "advanced life support" and "direct supervision."

(b) Authorizes a person who is certified under this chapter as an emergency medical technician-paramedic or a licensed paramedic, is acting under the delegation and direct supervision of a licensed physician, and is authorized to provide advanced life support by a health care facility, notwithstanding other law, to in accordance with the Department of State Health Services (DSHS) rules provide advanced life support in the facility's emergency or urgent care clinical setting, including a hospital emergency room and a freestanding emergency medical care facility.

SECTION 2. Amends Section 773.050, Health and Safety Code, by adding Subsection (i), as follows:

(i) Authorizes DSHS to develop and administer at least twice each calendar year a jurisprudence examination to determine the knowledge that an applicant for an emergency medical services provider license or emergency medical services personnel certification has of this chapter, DSHS rules, and any other applicable laws affecting the applicant's activities regulated under this chapter. Requires that DSHS rules specify who must take the examination on behalf of an entity applying for an emergency medical services provider license.

SECTION 3. Reenacts Section 773.0571, Health and Safety Code, as amended by Chapters 1089 (H.B. 3556) and 1311 (S.B. 8), Acts of the 83rd Legislature, Regular Session, 2013, and amends it as follows:

Sec. 773.0571. **REQUIREMENTS FOR PROVIDER LICENSE.** Requires DSHS to issue to an emergency medical services provider applicant a license that is valid for two years if DSHS is satisfied that:

- (1)-(4) Makes no change to these subdivisions;
- (5) and (6) Makes nonsubstantive changes;
- (7) the applicant operates out of a physical location in compliance with Section 773.05715;
- (8) the applicant owns or has a long-term lease agreement for all equipment necessary for safe operation of an emergency medical services provider, as provided by Section 773.05716; and
- (9) Creates this subdivision from existing subdivision and makes no further change.

SECTION 4. Amends Section 773.05713, Health and Safety Code, to require DSHS, not later than December 1 of each even-numbered year, to electronically submit a report to the lieutenant governor, the speaker of the house of representatives, and the standing committees of the house and senate with jurisdiction over DSHS on the effect of Sections 773.05711 and 773.05712 that includes certain information, including the number of complaints made against licensed emergency medical services providers for violations of those sections and a description of the types of complaints, reported in the manner required by Section 773.0605(d).

SECTION 5. Amends Subchapter C, Chapter 773, Health and Safety Code, by adding Sections 773.05715 and 773.05716, as follows:

Sec. 773.05715. **PHYSICAL LOCATION REQUIRED.** (a) Requires an emergency medical services provider to have a permanent physical location as the provider's primary place of business. Requires an applicant for an emergency medical services provider license to demonstrate proof of the location of the primary place of business in the manner required by DSHS.

(b) Authorizes the physical location to be owned or leased by the emergency medical services provider.

(c) Requires the emergency medical services provider to remain in the same physical location for the period of licensure, unless DSHS approves a change in location.

(d) Requires the emergency medical services provider to maintain all patient care records in the physical location that is the provider's primary place of business, unless DSHS approves an alternate location.

(e) Authorizes only one emergency medical services provider to operate out of a single physical location.

Sec. 773.05716. **NECESSARY EQUIPMENT.** (a) Requires an emergency medical services provider to own or hold a long-term lease for all equipment necessary for the safe operation of an emergency medical services provider, including emergency medical services vehicles, heart rate monitors, defibrillators, stretchers, and any other equipment DSHS determines is required.

(b) Requires an applicant for an emergency medical services provider license to demonstrate proof of compliance with this section in the manner required by DSHS.

SECTION 6. Amends Subchapter C, Chapter 773, Health and Safety Code, by adding Section 773.0605, as follows:

Sec. 773.0605. COMPLAINTS AND INVESTIGATIONS. (a) Requires DSHS to track and keep records of:

- (1) each complaint received by DSHS regarding emergency medical services providers and emergency medical services personnel;
- (2) each investigation initiated by DSHS under this chapter; and
- (3) each disciplinary action initiated by DSHS under this chapter.

(b) Requires DSHS to develop a formal process to refer complaints outside DSHS's jurisdiction to the appropriate agency for disposition.

(c) Requires DSHS to track the types of complaints received outside DSHS's jurisdiction. Requires DSHS to separately track complaints outside DSHS's jurisdiction relating to potential billing fraud and make information relating to those complaints available to the appropriate state agency.

(d) Requires DSHS to annually report statistical information regarding each complaint received, and each investigation or disciplinary action initiated, under this chapter. Requires that the report include:

- (1) the reason and basis for each complaint;
- (2) the origin of each investigation, including whether the investigation:
 - (A) resulted from a complaint brought by a consumer;
 - (B) resulted from a complaint brought by another source; or
 - (C) was initiated by DSHS in the absence of a complaint;
- (3) the average time to resolve each complaint from the date the complaint is received;
- (4) the disposition of each investigation, including:
 - (A) the number of investigations commenced in which no disciplinary action was taken, and the reasons no disciplinary action was taken;
 - (B) the number of investigations resulting in disciplinary action, and the disciplinary actions taken; and
 - (C) the number of complaints referred to another agency for disposition; and
- (5) the number, type, and age of each open investigation at the end of each fiscal year.

(e) Requires DSHS to make the report required by Subsection (d) available to the public through publication on DSHS's website and on request.

(f) Prohibits DSHS from including in the report required by Subsection (d) any information, including personal information, that could be used to identify an individual involved in or the location of a complaint that has been dismissed or has not reached a final determination.

SECTION 7. Amends Section 773.0611, Health and Safety Code, by adding Subsection (d), to authorize DSHS to use an inspection performed by an entity to which DSHS has delegated inspection authority as a basis for a disciplinary action under Section 773.061.

SECTION 8. Requires the executive commissioner of the Health and Human Services Commission to adopt any rules necessary to implement Section 773.0496, Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

SECTION 9. (a) Provides that the changes in law made by Sections 773.05715 and 773.05716, Health and Safety Code, as added by this Act, apply only to a person that applies for a license or renews a license as an emergency medical services provider on or after September 1, 2015.

(b) Requires the Department of State Health Services to develop the formal process required by Section 773.0605(b), Health and Safety Code, as added by this Act, as soon as practicable after the effective date of this Act.

(c) Authorizes the Department of State Health Services to use an inspection performed by an entity to which DSHS has delegated inspection authority as a basis for a disciplinary action, as provided by Section 773.0611(d), Health and Safety Code, as added by this Act, regardless of whether the inspection was performed before, on, or after the effective date of this Act.

SECTION 10. Effective date: upon passage or September 1, 2015.