

AN ACT

relating to the regulation of emergency medical services.

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

SECTION 1. Subchapter C, Chapter 773, Health and Safety Code, is amended by adding Section 773.0496 to read as follows:

Sec. 773.0496. SCOPE OF EMERGENCY MEDICAL
TECHNICIAN-PARAMEDIC AND LICENSED PARAMEDIC DUTIES. (a) In this
section:

(1) "Advanced life support" means health care provided
to sustain life in an emergency, life-threatening situation. The
term includes the initiation of intravenous therapy, endotracheal
or esophageal intubation, electrical cardiac defibrillation or
cardioversion, and drug therapy procedures.

(2) "Direct supervision" means supervision of an
emergency medical technician-paramedic or licensed paramedic by a
licensed physician who is present in the same area or an area
adjacent to the area where an emergency medical
technician-paramedic or licensed paramedic performs a procedure
and who is immediately available to provide assistance and
direction during the performance of the procedure.

(b) Notwithstanding other law, 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

1 advanced life support by a health care facility may in accordance
2 with department rules provide advanced life support in the
3 facility's emergency or urgent care clinical setting, including a
4 hospital emergency room and a freestanding emergency medical care
5 facility.

6 SECTION 2. Section 773.050, Health and Safety Code, is
7 amended by adding Subsection (i) to read as follows:

8 (i) The department may develop and administer at least twice
9 each calendar year a jurisprudence examination to determine the
10 knowledge that an applicant for an emergency medical services
11 provider license or emergency medical services personnel
12 certification has of this chapter, department rules, and any other
13 applicable laws affecting the applicant's activities regulated
14 under this chapter. Department rules must specify who must take the
15 examination on behalf of an entity applying for an emergency
16 medical services provider license.

17 SECTION 3. Section 773.0571, Health and Safety Code, as
18 amended by Chapters 1089 (H.B. 3556) and 1311 (S.B. 8), Acts of the
19 83rd Legislature, Regular Session, 2013, is reenacted and amended
20 to read as follows:

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

25 (1) the applicant has adequate staff to meet the
26 staffing standards prescribed by this chapter and the rules adopted
27 under this chapter;

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

5 (3) the applicant offers safe and efficient services
6 for emergency prehospital care and transportation of patients;

7 (4) the applicant:

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

10 (B) has not been excluded from participation in
11 the state Medicaid program;

12 (5) the applicant holds a letter of approval issued
13 under Section 773.0573 by the governing body of the municipality or
14 the commissioners court of the county in which the applicant is
15 located and is applying to provide emergency medical services, as
16 applicable; ~~and~~

17 (6) the applicant employs a medical director; ~~and~~

18 (7) the applicant operates out of a physical location
19 in compliance with Section 773.05715;

20 (8) the applicant owns or has a long-term lease
21 agreement for all equipment necessary for safe operation of an
22 emergency medical services provider, as provided by Section
23 773.05716; and

24 (9) ~~(6)~~ (9) the applicant complies with the rules
25 adopted under this chapter.

26 SECTION 4. Section 773.05713, Health and Safety Code, is
27 amended to read as follows:

1 Sec. 773.05713. REPORT TO LEGISLATURE. Not later than
2 December 1 of each even-numbered year, the department shall
3 electronically submit a report to the lieutenant governor, the
4 speaker of the house of representatives, and the standing
5 committees of the house and senate with jurisdiction over the
6 department on the effect of Sections 773.05711 and 773.05712 that
7 includes:

8 (1) the total number of applications for emergency
9 medical services provider licenses submitted to the department and
10 the number of applications for which licenses were issued or
11 licenses were denied by the department;

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

16 (3) the number of occurrences and types of fraud
17 committed by licensed emergency medical services providers related
18 to those sections;

19 (4) the number of complaints made against licensed
20 emergency medical services providers for violations of those
21 sections and a description of the types of complaints, reported in
22 the manner required by Section 773.0605(d); and

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

25 SECTION 5. Subchapter C, Chapter 773, Health and Safety
26 Code, is amended by adding Sections 773.05715 and 773.05716 to read
27 as follows:

1 Sec. 773.05715. PHYSICAL LOCATION REQUIRED. (a) An
2 emergency medical services provider must have a permanent physical
3 location as the provider's primary place of business. An applicant
4 for an emergency medical services provider license must demonstrate
5 proof of the location of the primary place of business in the manner
6 required by the department.

7 (b) The physical location may be owned or leased by the
8 emergency medical services provider.

9 (c) The emergency medical services provider must remain in
10 the same physical location for the period of licensure, unless the
11 department approves a change in location.

12 (d) The emergency medical services provider must maintain
13 all patient care records in the physical location that is the
14 provider's primary place of business, unless the department
15 approves an alternate location.

16 (e) Only one emergency medical services provider may
17 operate out of a single physical location.

18 Sec. 773.05716. NECESSARY EQUIPMENT. (a) An emergency
19 medical services provider must own or hold a long-term lease for all
20 equipment necessary for the safe operation of an emergency medical
21 services provider, including emergency medical services vehicles,
22 heart rate monitors, defibrillators, stretchers, and any other
23 equipment the department determines is required.

24 (b) An applicant for an emergency medical services provider
25 license must demonstrate proof of compliance with this section in
26 the manner required by the department.

27 SECTION 6. Subchapter C, Chapter 773, Health and Safety

1 Code, is amended by adding Section 773.0605 to read as follows:

2 Sec. 773.0605. COMPLAINTS AND INVESTIGATIONS. (a) The
3 department shall track and keep records of:

4 (1) each complaint received by the department
5 regarding emergency medical services providers and emergency
6 medical services personnel;

7 (2) each investigation initiated by the department
8 under this chapter; and

9 (3) each disciplinary action initiated by the
10 department under this chapter.

11 (b) The department shall develop a formal process to refer
12 complaints outside the department's jurisdiction to the
13 appropriate agency for disposition.

14 (c) The department shall track the types of complaints
15 received outside the department's jurisdiction. The department
16 shall separately track complaints outside the department's
17 jurisdiction relating to potential billing fraud and make
18 information relating to those complaints available to the
19 appropriate state agency.

20 (d) The department shall annually report statistical
21 information regarding each complaint received, and each
22 investigation or disciplinary action initiated, under this
23 chapter. The report must include:

24 (1) the reason and basis for each complaint;

25 (2) the origin of each investigation, including
26 whether the investigation:

27 (A) resulted from a complaint brought by a

1 consumer;

2 (B) resulted from a complaint brought by another
3 source; or

4 (C) was initiated by the department in the
5 absence of a complaint;

6 (3) the average time to resolve each complaint from
7 the date the complaint is received;

8 (4) the disposition of each investigation, including:

9 (A) the number of investigations commenced in
10 which no disciplinary action was taken, and the reasons no
11 disciplinary action was taken;

12 (B) the number of investigations resulting in
13 disciplinary action, and the disciplinary actions taken; and

14 (C) the number of complaints referred to another
15 agency for disposition; and

16 (5) the number, type, and age of each open
17 investigation at the end of each fiscal year.

18 (e) The department shall make the report required by
19 Subsection (d) available to the public through publication on the
20 department's website and on request.

21 (f) The department may not include in the report required by
22 Subsection (d) any information, including personal information,
23 that could be used to identify an individual involved in or the
24 location of a complaint that has been dismissed or has not reached a
25 final determination.

26 SECTION 7. Section [773.0611](#), Health and Safety Code, is
27 amended by adding Subsection (d) to read as follows:

1 (d) The department may use an inspection performed by an
2 entity to which the department has delegated inspection authority
3 as a basis for a disciplinary action under Section 773.061.

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

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

13 (b) The Department of State Health Services shall develop
14 the formal process required by Section 773.0605(b), Health and
15 Safety Code, as added by this Act, as soon as practicable after the
16 effective date of this Act.

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

23 SECTION 10. This Act takes effect immediately if it
24 receives a vote of two-thirds of all the members elected to each
25 house, as provided by Section 39, Article III, Texas Constitution.
26 If this Act does not receive the vote necessary for immediate
27 effect, this Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1899 passed the Senate on May 12, 2015, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 28, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1899 passed the House, with amendment, on May 24, 2015, by the following vote: Yeas 142, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor