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(Martinez, Springer, Guillen)

S.B. No. 1899

A BILL TO BE ENTITLED

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

23 (d) The department may use an inspection performed by an  
24 entity to which the department has delegated inspection authority  
25 as a basis for a disciplinary action under Section [773.061](#).

26 SECTION 8. As soon as practicable after the effective date  
27 of this Act, the executive commissioner of the Health and Human

1 Services Commission shall adopt any rules necessary to implement  
2 Section 773.0496, Health and Safety Code, as added by this Act.

3 SECTION 9. (a) The changes in law made by Sections  
4 773.05715 and 773.05716, Health and Safety Code, as added by this  
5 Act, apply only to a person that applies for a license or renews a  
6 license as an emergency medical services provider on or after  
7 September 1, 2015.

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

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

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