

## **BILL ANALYSIS**

C.S.H.B. 1407  
By: Sheffield  
Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties have expressed a need to address the shortage of emergency medical services professionals, particularly in rural areas, and the lack of educational opportunities and training programs for such professionals. C.S.H.B. 1407 seeks to address these concerns by providing for the creation of the emergency medical services assistance program and the use of money from the permanent fund for emergency medical services and trauma care for grants under the program.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

C.S.H.B. 1407 amends the Health and Safety Code to require the Department of State Health Services (DSHS) to establish the emergency medical services assistance program to provide financial and educational assistance to eligible emergency medical services providers. The bill establishes that the program includes grants to eligible emergency medical services providers and an educational curriculum to provide remote courses of instruction and training to rural emergency medical services personnel. The bill requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules necessary to implement the program and requires the rules to require that an emergency medical services provider demonstrate financial need to be eligible for assistance under the program, that a postsecondary educational institution applying to offer the educational curriculum demonstrate the qualifications necessary to develop and offer the educational curriculum, and that the educational curriculum provide to rural emergency medical services personnel the remote instructional courses and training necessary for the personnel to achieve DSHS certification under the Emergency Health Care Act. The bill authorizes an emergency medical services provider to apply to DSHS in the form and manner provided by DSHS rule to receive assistance under the program and, if DSHS determines the applicant is eligible for program assistance, authorizes DSHS to provide a grant to the applicant. The bill authorizes a postsecondary educational institution to apply to DSHS in the form and manner provided by DSHS rule to develop and offer the educational curriculum under the bill's provisions and limits the number of qualified postsecondary educational institutions with which DSHS may contract to develop and offer the educational curriculum to three. The bill authorizes DSHS to provide administrative support to the program.

C.S.H.B. 1407 authorizes the commissioner of state health services to use money from the permanent fund for emergency medical services and trauma care to provide grants, in addition to funding available from other sources, to emergency medical services providers applying for assistance under the program and to provide funding to a postsecondary educational institution offering the educational curriculum under the bill's provisions. The bill requires the commissioner to ensure that at least 60 percent of the grants provided under the program are provided to emergency medical services providers that serve a rural area, requires the executive commissioner of HHSC by rule to establish a procedure for the Governor's EMS and Trauma Advisory Council to establish priorities for issuing grants under the program, and requires DSHS to distribute grants under the program in accordance with these requirements.

C.S.H.B. 1407 amends the Transportation Code to decrease from 67 percent to 63.67 percent the percentage of money received by the comptroller of public accounts from state traffic fines that the comptroller is required to deposit to the credit of the undedicated portion of the general revenue fund and to require the comptroller to deposit 3.33 percent of the money received from such fines to the credit of the permanent fund for emergency medical services and trauma care. The bill requires the comptroller, if in any state fiscal year the amount received by the comptroller for deposit to the credit of the permanent fund for emergency medical services and trauma care exceeds \$3 million, to deposit the additional amount to the credit of the general revenue fund.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1407 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

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

#### SUBCHAPTER I. EMERGENCY MEDICAL SERVICES ASSISTANCE PROGRAM

Sec. 773.251. DEFINITIONS.

Sec. 773.252. ESTABLISHMENT OF PROGRAM.

Sec. 773.253. RULES.

Sec. 773.254. APPLICATION BY EMERGENCY MEDICAL SERVICES PROVIDER. (a) An emergency medical services provider may apply to the department in the form and manner provided by department rule to receive assistance under the program.

(b) If the department determines an applicant is eligible for assistance under the

#### HOUSE COMMITTEE SUBSTITUTE

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Sec. 773.252. ESTABLISHMENT OF PROGRAM.

Sec. 773.253. RULES.

Sec. 773.254. APPLICATION BY EMERGENCY MEDICAL SERVICES PROVIDER. (a) An emergency medical services provider may apply to the department in the form and manner provided by department rule to receive assistance under the program.

(b) If the department determines an applicant is eligible for assistance under the

program, the department may provide a grant under this subchapter to the applicant.

Sec. 773.255. EDUCATIONAL CURRICULUM.

Sec. 773.256. ADMINISTRATIVE SUPPORT.

Sec. 773.257. EMERGENCY MEDICAL SERVICES ASSISTANCE ACCOUNT.

(a) In this section, "account" means the emergency medical services assistance account established under this section.

(b) The emergency medical services assistance account is established as a dedicated account in the general revenue fund.

(c) The account is composed of:

(1) money deposited to the credit of the account under Section 542.4031, Transportation Code; and

(2) notwithstanding Section 404.071, Government Code, interest earned on the investment of money in the account and depository interest allocable to the account.

(d) Money in the account may be appropriated to the department only for the purposes described by Subsection (e).

(e) The commissioner may use the money appropriated from the account to provide grants, in addition to funding available from other sources, to emergency medical services providers applying for assistance under the program or to provide funding to a postsecondary educational institution offering the educational curriculum under this subchapter.

Sec. 773.258. GRANT ALLOCATION.

(a) The commissioner shall ensure that at least 60 percent of the grants provided under this subchapter are provided to emergency medical services providers that serve a rural area.

(b) The executive commissioner by rule shall establish a procedure for the Governor's EMS and Trauma Advisory Council to establish priorities for issuance of grants under this subchapter.

(c) The department shall distribute grants under this subchapter in accordance with the requirements of Subsection (a) and the grant

program, the department may provide a grant under Section 773.257 to the applicant.

Sec. 773.255. EDUCATIONAL CURRICULUM.

Sec. 773.256. ADMINISTRATIVE SUPPORT.

Sec. 773.257. GRANTS.

(a) The commissioner may use money from the permanent fund for emergency medical services and trauma care established under Section 403.106, Government Code, to provide grants, in addition to funding available from other sources, to emergency medical services providers applying for assistance under the program or to provide funding to a postsecondary educational institution offering the educational curriculum under this subchapter.

(b) The commissioner shall ensure that at least 60 percent of the grants provided under this section are provided to emergency medical services providers that serve a rural area.

(c) The executive commissioner by rule shall establish a procedure for the Governor's EMS and Trauma Advisory Council to establish priorities for issuance of grants under this section.

(d) The department shall distribute grants under this section in accordance with the requirements of Subsection (b) and the grant

priorities established under Subsection (b).

SECTION 2. Section 542.4031(g), Transportation Code, is amended to read as follows:

(g) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 50.5 [~~67~~] percent to the credit of the undedicated portion of the general revenue fund; [~~and~~]

(2) 33 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code; and

(3) 16.5 percent to the credit of the emergency medical services assistance account under Section 773.257, Health and Safety Code.

SECTION 3. Section 542.4031(g), Transportation Code, as amended by this Act, applies only to the distribution of revenue collected on or after the effective date of this Act. The distribution of revenue collected before the effective date of this Act is governed by the law in effect at the time the revenue was collected, and that law is continued in effect for the purpose of the distribution of that revenue.

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priorities established under Subsection (c).

SECTION 2. Section 542.4031, Transportation Code, is amended by amending Subsections (g) and (h) and adding Subsection (h-1) to read as follows:

(g) Of the money received by the comptroller under this section, the comptroller shall deposit:

(1) 63.67 [~~67~~] percent to the credit of the undedicated portion of the general revenue fund; [~~and~~]

(2) 33 percent to the credit of the designated trauma facility and emergency medical services account under Section 780.003, Health and Safety Code; and

(3) 3.33 percent to the credit of the permanent fund for emergency medical services and trauma care under Section 403.106, Government Code.

(h) Notwithstanding Subsection (g)(1), in any state fiscal year the comptroller shall deposit 63.67 [~~67~~] percent of the money received under Subsection (e)(2) to the credit of the general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1) and Section 780.002(b), Health and Safety Code, equals \$250 million for that year. If in any state fiscal year the amount received by the comptroller under those laws for deposit to the credit of the general revenue fund exceeds \$250 million, the comptroller shall deposit the additional amount to the credit of the Texas mobility fund.

(h-1) Notwithstanding Subsection (g)(3), if in any state fiscal year the amount received by the comptroller under that subsection for deposit to the credit of the permanent fund for emergency medical services and trauma care exceeds \$3 million, the comptroller shall deposit the additional amount to the credit of the general revenue fund.

SECTION 3. Section 542.4031, Transportation Code, as amended by this Act, applies only to the distribution of revenue collected on or after the effective date of this Act. The distribution of revenue collected before the effective date of this Act is governed by the law in effect at the time the revenue was collected, and that law is continued in effect for the purpose of the distribution of that revenue.

17.104.773

SECTION 4. This Act takes effect  
September 1, 2017.

SECTION 4. Same as introduced version.